

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

THE PROVIDENT FUNDS ACT, 1897
(IX OF 1897)

AS MODIFIED UP TO 1ST APRIL, 1903.

CALCUTTA :
OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.
1903.

STATEMENT OF REPEALS AND AMENDMENTS.

E. 1 (2) PARTLY REPEALED BY ACT XIII of 1898,
18.

S 4 SUBSTITUTED BY Act IV of 1903,
S. 2.

ACT NO IX OF 1897.¹

[11th March, 1897]

An Act to amend the law relating to Government and other Provident Funds

[As modified up to the 1st April 1905]

WHEREAS it is expedient to amend the law relating to Government and other Provident Funds, It is hereby enacted as follows.—

1 (1) This Act may be called the Provident Funds Act, 1897

Title, extent
and com-
mencement

(2) It extends to the whole of British India, including " " British Baluchistan, and

(3) It shall come into force at once

2 In this Act—

Definitions

(1) "Provident Fund" means a fund in which the subscriptions or deposits of any class or classes of employees are received and held on their individual accounts, and includes any contributions, credited in respect of, and any interest accruing on, such subscriptions or deposits under the rules of the Fund

(2) "Government Provident Fund" means a Provident Fund constituted by the authority of the Government for any class or classes of its employees

(3) "Railway Provident Fund" means a Provident Fund constituted by the authority of the Government of India or of any company which administers a railway

¹ For Statement of Objects and Reasons see Gazette of India 1896 II V p 254 for Report of the Select Committee see *ibid* 1897, II V p 74; and for Proceedings in Council, see *ibid* Pt VI p 211 and *ibid*, 1897, Pt VI pp. 256 and 74.

² The words "Upper Burma and" were repealed and the Act at the same time declared to be in force in Upper Burma (except the Shan States) by the Burma Laws Act, 1898 (VIII of 1898)—see the Fifth and First Schedules respectively printed Burma Code Ed 1897

a railway or tramway in British India, either under a special Act of Parliament or under contract with the Secretary of State in Council or the Government of India, for any class or classes of the employees on, or in connection with, such railway or tramway and

(4) "compulsory deposit" means a subscription or deposit which is not repayable on the demand, or at the option, of the subscriber or depositor, and includes any contribution which may have been credited in respect of, and any interest or increment which may have accrued on, such subscription or deposit under the rules of the Fund

Payment
from Govern-
ment or Rail-
way Provi-
dent Fund on
death of sub-
scriber or
depositor

3 (1) When a subscriber to, or depositor in, any Government or Railway Provident Fund dies, and the sum standing to his credit in the books of the Fund does not exceed two thousand rupees, the officer or person whose duty it is to make payment of such sum may pay it as follows —

(a) he may pay it to any person entitled to receive it according to the rules of the Fund or, in the absence of any rule of the Fund to the contrary, to any person nominated in writing by the deceased subscriber or depositor to receive it,

(b) in any case not hereinbefore provided for, he may pay it to any person appearing to him to be entitled to receive it

(2) The provisions of sub section (1) shall apply to any such sum which at the commencement of this Act stands to the credit of any subscriber or depositor already deceased

(3) Nothing in this section shall affect the validity of the rules of any Fund in so far as such rules may provide for the disposal of sums exceeding two thousand rupees

Protection
to deposits
and other
sums in cer-
tain cases

4 (1) Compulsory deposits in any Government or Railway Provident Fund shall not be liable to any attachment under any decree or order of a Court of Justice in respect of any debt or liability incurred by a subscriber

¹ This section was substituted for the original section by the Provident Funds (Amendment) Act 1907 (14 of 1907) s. 2

XIV of 1882

subscriber to, or depositor in, any such Fund, and neither the Official Assignee nor a Receiver appointed under Chapter XX of the Code of Civil Procedure¹ shall be entitled to, or have any claim on, any such compulsory deposit.

(2) Any sum standing to the credit of any subscriber to, or depositor in, any such Fund at the time of his decease and payable under the rules of the Fund or under this Act, to the widow or the children, or partly to the widow and partly to the children, of the subscriber or depositor, or to such person as may be authorized by law to receive payment on her or their behalf, shall vest in the widow or the children, or partly in the widow and partly in the children, as the case may be, free from any debt or other liability incurred by the deceased, or incurred by the widow or by the children, or by any one or more of them, before the death of such subscriber or depositor.

(3) Nothing in sub-section (2) shall apply in the case of any such subscriber or depositor as aforesaid dying before the thirteenth day of March 1903.

5. No suit or other legal proceeding shall lie against any person in respect of anything done or in good faith intended to be done in pursuance of the provisions of this Act.

Protection for anything done in good faith under this Act.

6. The Governor General in Council may, in his discretion, by notification in the official Gazette, extend the provisions of this Act to any Provident Fund² established for the benefit of its employees by any local authority within the meaning of the Local Authorities Loan Act, 1879.³

Power to extend Act to other Provident Funds.

XI of 1879

7. Nothing in section 3 shall apply to money belonging to the estate of any European officer, non-commissioned officer or soldier dying in Her Majesty's service in India, or of any European who at the time of his death was a deserter from such service.

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¹ See now the Code as modified up to 1st December, 1899.

² The provisions of the Act have, under this power, been extended to the Provident Fund of the Bombay Port Trust and to that established by the Calcutta Corporation—see Gazette of India, 1903, Pt. I, p. 68, and *ibid.*, 1902, Pt. I, 603.

³ General Acts, Vol. III.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

THE TRANSFER OF PROPERTY ACT, 1882
(IV OF 1882),

AS MODIFIED UP TO THE 1ST DECEMBER, 1905.

CALCUTTA
SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.
1908

Price Fifteen Annas.

CALCUTTA

GOVERNMENT OF INDIA CENTRAL PRINTING OFFICE,
6, HASTINGS STREET.

STATEMENT OF REPEALS AND AMENDMENTS.

AMENDED	{ III of 1885, s. 1.
"	{ VI of 1901, s. 2.
"	{ II of 1900, s. 2.
"	{ III of 1885, s. 3.
"	{ III of 1885, s. 4.
"	{ II of 1900, s. 3.
"	{ VI of 1901, ss. 3 & 4.
"	{ III of 1885, s. 5.
"	{ VI of 1901, s. 4.
"	{ VI of 1901, s. 5.
" SECOND PARAGRAPH SUBSTITUTED	{ VI of 1901, s. 5.
" SUBSTITUTED	{ II of 1900, s. 4.
" AS TO CROWN GRANTS	{ XV of 1895, s. 2.

The following changes have been made in reprinting the Act :—

- (1) amendments have been inserted in their proper places, with explanatory foot-notes :
- (2) references to repealed Acts have been altered as directed by the enactment which effects the repeal, explanatory foot-notes being inserted :
- (3) some further foot-notes have been added for convenience of reference :
- (4) the number and year of Acts referred to in the text have been noted in the inner margin :
- (5) section-numbers occurring in the text have been printed in figures instead of in words :
- (6) the headings to the pages have been amplified.

STATEMENT OF REPEALS AND AMENDMENTS.

S.	1	AMENDED	{ III OF 1885, s. 1.
			{ VI OF 1904, s. 2.
S.	3	"	II OF 1900, s. 2.
	4	"	III OF 1885, s. 3.
	6	"	{ III OF 1885, s. 4.
			{ II OF 1900, s. 3.
			VI OF 1904, ss. 3 & 4.
			{ III OF 1885, s. 5.
			{ VI OF 1904, s. 4.
			VI OF 1904, s. 5.
			VI OF 1904, s. 5.
		SECOND PARAGRAPH SUBSTITUTED	VI OF 1904, s. 5.
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THE TRANSFER OF PROPERTY ACT, 1882.

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THE SCHEDULE

ACT No. IV OF 1882.¹

[17th February, 1882.]

An Act to amend the law relating to the
Transfer of Property by Act of Parties.

[As modified up to the 1st December, 1905.]

WHEREAS it is expedient to define and amend certain parts of the law relating to the transfer of property by act of parties; *Preamble.* It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Transfer of Property Act, 1882. *Short title.*

It shall come into force on the first day of July, 1882: . *Commencement.*

It extends in the first instance to the whole of British India² except the territories respectively administered by the Governor of Bombay in Council, the Lieutenant-Governor of the Panjab and the Chief Commissioner of British Burma.³ *Extent.*

But nay of the said Local Governments may, from time to time, by notification in the local official
Gazette,

¹ For Statement of Objects and Reasons, see Gazette of India, 1877, Vol. I, Part I, No. 1, p. 1.

² The word "British India" includes all the territories under the direct or indirect control of the British Government.

³ The word "British Burma" includes all the territories under the direct or indirect control of the British Government.

⁴ The word "Lieutenant-Governor" includes the Administrator of the Provinces.

⁵ The word "Chief Commissioner" includes the Administrator of the Provinces.

⁶ The word "Administrator of the Provinces" includes the Lieutenant-Governor.

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Chapter I.—Preliminary.—Section 2.

Gazette,¹ extend this Act² [or any part thereof] to the whole or any specified part of the territories under its administration.

³[And any Local Government may, with the previous sanction of the Governor General in Council, from time to time, by notification in the local official Gazette, exempt,⁴ either retrospectively or prospectively, any part of the territories administered by such Local Government from all or any of the following provisions, namely :—

Sections 54, paragraphs 2 and 3, 59, 107 and 123.]

⁵ [Notwithstanding anything in the foregoing part of this section, sections 54, paragraphs 2 and 3, 59, 107 and 123 shall not extend or be extended to any district or tract of country for the time being excluded from the operation of the Indian Registration Act, 1877,⁶ under the power conferred by the first III of 18 section of that Act or otherwise.]

2. In the territories to which this Act extends for the time being the enactments specified in the schedule hereto annexed shall be repealed to the extent therein mentioned. But nothing herein contained shall be deemed to affect—

(a) the provisions of any enactment not hereby expressly repealed :

(b) any

¹ Act 4 of 1882 has been extended (from 1st January, 1893) to—

(i) the whole of the territories, other than the Scheduled Districts, under the administration of the Government of Bombay—see Bombay Government Gazette, 1892, Pt. I, p. 1071, and

(ii) the area included within the local limits of the ordinary civil jurisdiction of the Recorder of Rangoon (now Chief Court of Lower Burma)—see Burma Gazette 1892, Pt. I, p. 373

The Act has been repealed as to Crown Grants, by the Crown Grants

asserted by the Transfer of

clause by the Transfer of 1885), s. 1, General Acts,

Ed 1885, Vol. V.

² No such exemption has yet been made

³ This clause was added by Act 3 of 1895, s. 2, and is to be deemed to have been added from the date on which Act 4 of 1882 came into force.

Section 54, paragraphs two and three, and ss. 59, 107 and 123, extend to every cantonment in British India—see the Cantonments Act, 1889 (13 of 1889), s. 32 (f), General Acts, Ed. 1893

⁴ General Acts, Vol. III, p. 41

(Chapter I. — Preliminary. — Section 3.)

(b) any terms or incidents of any contract or constitution of property which are consistent with the provisions of this Act, and are allowed by the law for the time being in force:

(c) any right or liability arising out of a legal relation constituted before this Act comes into force, or any relief in respect of any such right or liability: or

(d) save as provided by section 57 and Chapter IV of this Act, any transfer by operation of law or by, or in execution of, a decree or order of a Court of competent jurisdiction:

and nothing in the second chapter of this Act shall be deemed to affect any rule of Hindu, Muhamadan or Buddhist law.

3. in this Act, unless there is something repugnant in the subject or context,— Interpretation-clause.

"immoveable property" does not include standing timber, growing crops or grass:

"instrument" means a non-testamentary instrument:

"registered" means registered in British India under the law¹ for the time being in force regulating the registration of documents:

"attached to the earth" means—

(a) rooted in the earth, as in the case of trees and shrubs;

(b) imbedded in the earth, as in the case of walls or buildings; or

(c) attached to what is so imbedded for the permanent beneficial enjoyment of that to which it is attached:

actionable

¹ See the Indian Registration Act, 1877 (3 of 1877), General Act, Vol. III, p. 41.

(Chapter II — Of Transfers of Property by Act of Parties — Sections 7-8.)

1872,] or (3) to a person legally disqualified to be transferee

¹ (1) Nothing in this section shall be deemed to authorize a tenant having an untransferable right of occupancy, the farmer of an estate in respect of which default has been made in paying revenue or the lessee of an estate under the management of a Court of Wards to assign his interest as such tenant, farmer or lessee.

14 7. Every person competent to contract and entitled to transferable property, or authorized to dispose of transferable property not his own, is competent to transfer such property either wholly or in part, and either absolutely or conditionally, in the circumstances, to the extent and in the manner allowed and prescribed by any law for the time being in force

of 8 Unless a different intention is expressed or necessarily implied, a transfer of property passes forthwith to the transferee all the interest which the transferor is then capable of passing in the property, and in the legal incidents thereof.

Such incidents include, where the property is land, the easements annexed thereto, the rents and profits thereof accruing after the transfer, and all things attached to the earth;

and, where the property is machinery attached to the earth, the moveable parts thereof;

and, where the property is a house, the easements annexed thereto, the rent thereof accruing after the transfer, and the locks, keys, bars, doors, windows, and all other things provided for permanent use therewith;

and, where the property is a debt or other actionable claim, the securities therefor (except where they are also for other debts or claims not transferred to

the

¹ Cl (i) was added by the Transfer of Property Act (1882) Amendment Act, 18-5 (3 of 1885) s. 4, General Acts, Ed 1895, Vol V, p 3

(Chapter II.—Of Transfers of Property by Act of Parties —Sections 9-12.)

the transferee), but not arrears of interest accrued before the transfer;

and, where the property is money or other property yielding income, the interest or income thereof accruing after the transfer takes effect.

9. A transfer of property may be made without writing in every case in which a writing is not expressly required by law. Oral transfer

10. Where property is transferred subject to a condition or limitation absolutely restraining the transferee or any person claiming under him from parting with or disposing of his interest in the property, the condition or limitation is void, except in the case of a lease where the condition is for the benefit of the lessor or those claiming under him: Provided that property may be transferred to or for the benefit of a woman (not being a Hindu, Muhammadan or Buddhist), so that she shall not have power during her marriage to transfer or charge the same or her beneficial interest therein. Condition restraining alienation

11. Where, on a transfer of property, an interest therein is created absolutely in favour of any person, but the terms of the transfer direct that such interest shall be applied or enjoyed by him in a particular manner, he shall be entitled to receive and dispose of such interest as if there were no such direction. Restriction repugnant to interest created

Nothing in this section shall be deemed to affect the right to restrain, for the beneficial enjoyment of one piece of immovable property, the enjoyment of another piece of such property, or to compel the enjoyment thereof in a particular manner.

12. Where property is transferred subject to a condition or limitation making any interest therein, reserved or given to or for the benefit of any person, to cease on his becoming insolvent or endeavouring to transfer or dispose of the same, such condition or limitation is void. Condition making interest determinable on insolvency or attempted alienation.

(Chapter II.—Of Transfers of Property by Act of Parties.—Sections 7-8.)

1872,] or (3) to a person legally disqualified to be transferee.

¹ (i) Nothing in this section shall be deemed to authorize a tenant having an untransferable right of occupancy, the farmer of an estate in respect of which default has been made in paying revenue or the lessee of an estate under the management of a Court of Wards to assign his interest as such tenant, farmer or lessee.

Persons
competent to
transfer

7. Every person competent to contract and entitled to transferable property, or authorized to dispose of transferable property not his own, is competent to transfer such property either wholly or in part, and either absolutely or conditionally, in the circumstances, to the extent and in the manner allowed and prescribed by any law for the time being in force.

Operation of
transfer

8 Unless a different intention is expressed or necessarily implied, a transfer of property passes forthwith to the transferee all the interest which the transferor is then capable of passing in the property, and in the legal incidents thereof.

Such incidents include, where the property is land, the easements annexed thereto, the rents and profits thereof accruing after the transfer, and all things attached to the earth;

and, where the property is machinery attached to the earth, the moveable parts thereof;

and, where the property is a house, the easements annexed thereto, the rent thereof accruing after the transfer, and the locks, keys, bars, doors, windows, and all other things provided for permanent use therewith;

and, where the property is a debt or other actionable claim, the securities therefor (except where they are also for other debts or claims not transferred to

the

¹ Cl (i) was added by the Transfer of Property Act (1882) Amendment Act, 1886 (3 of 1886), s 4, General Acts, Ed 1898, Vol. V, p 3.

(Chapter II — Of Transfers of Property by Act of Parties — Sections 18-20)

commence, health, safety or any other object beneficial to mankind

18. Where the terms of a transfer of property direct that the income arising from the property shall be accumulated, such direction shall be void, and the property shall be disposed of as if no accumulation had been directed Direct on for accumulation

Exception — Where the property is immovable or where accumulation is directed to be made from the date of the transfer, the direction shall be valid in respect only of the income arising from the property within one year next following such date, and at the end of the year such property and income shall be disposed of respectively as if the period during which the accumulation has been directed to be made had elapsed

19. Where, on a transfer of property, an interest therein is created in favour of a person without specifying the time when it is to take effect, or in terms specifying that it is to take effect forthwith or on the happening of an event which must happen, such interest is vested, unless a contrary intention appears from the terms of the transfer Vested interest

A vested interest is not defeated by the death of the transferee before he obtains possession

Explanation — An intention that an interest shall not be vested is not to be inferred merely from a provision whereby the enjoyment thereof is postponed, or whereby a prior interest in the same property is given or reserved to some other person, or whereby income arising from the property is directed to be accumulated until the time of enjoyment arrives, or from a provision that if a particular event shall happen the interest shall pass to another person

20. Where, on a transfer of property, an interest therein is created for the benefit of a person not then living, he acquires upon his birth, unless a contrary intention When unborn person acquires vested interest on transfer for his benefit

(Chapter II—Of Transfers of Property by Act of Parties—Sections 21-24)

intention appear from the terms of the transfer, a vested interest, although he may not be entitled to the enjoyment thereof immediately on his birth

Contingent interest.

21. Where, on a transfer of property, an interest therein is created in favour of a person to take effect only on the happening of a specified uncertain event, or if a specified uncertain event shall not happen, such person thereby acquires a contingent interest in the property. Such interest becomes a vested interest in the former case, on the happening of the event, in the latter, when the happening of the event becomes impossible.

Exception—Where under a transfer of property, a person becomes entitled to an interest therein upon attaining a particular age and the transferor also gives to him absolutely the income to arise from such interest before he reaches that age, or directs the income or so much thereof as may be necessary to be applied for his benefit, such interest is not contingent.

Transfer to members of a class who attain a particular age

22. Where, on a transfer of property, an interest therein is created in favour of such members only of a class as shall attain a particular age, such interest does not vest in any member of the class who has not attained that age.

Transfer contingent on the happening of a specified uncertain event.

23. Where on a transfer of property, an interest therein is to accrue to a specified person if a specified uncertain event shall happen and no time is mentioned for the occurrence of that event, the interest fails unless such event happens before, or at the same time as, the intermediate or precedent interest ceases to exist.

Transfer to such of a class of persons as shall be surviving at some period not specified

24. Where, on a transfer of property, an interest therein is to accrue to such of certain persons as shall be surviving at some period, but the exact period is not specified, the interest shall go to such of them as shall be alive when the intermediate or precedent

interest

interest ceases to exist, unless a contrary intention appears from the terms of the transfer.

Illustration.

A transfers property to B for life, and after his death to C and D, equally to be divided between them, or to the survivor of them. C dies during the life of B. D survives B. At B's death the property passes to D.

25. An interest created on a transfer of property and dependent upon a condition fails if the fulfilment of the condition is impossible, or is forbidden by law, or is of such a nature that if permitted, it would defeat the provisions of any law, or is fraudulent, or involves or implies injury to the person or property of another, or the Court regards it as immoral or opposed to public policy. Conditional transfer

Illustrations.

(a) A lets a farm to B on condition that he shall walk a hundred miles in an hour. The lease is void.

(b) A gives Rs. 500 to B on condition that he shall marry A's daughter C. At the date of the transfer C was dead. The transfer is void.

(c) A transfers Rs. 500 to B on condition that she shall murder C. The transfer is void.

(d) A transfers Rs. 500 to his niece C if she will desert her husband. The transfer is void.

26. Where the terms of a transfer of property impose a condition to be fulfilled before a person can take an interest in the property, the condition shall be deemed to have been fulfilled if it has been substantially complied with. Fulfilment of condition precedent.

Illustrations.

(a) A transfers Rs. 5,000 to B on condition that he shall marry with the consent of C, D and E. E dies. B marries with the consent of C and D. B is deemed to have fulfilled the condition.

(b) A transfers Rs. 5,000 to B on condition that he shall marry with the consent of C, D and E. B marries without the consent

Transfer of Property. [ACT I
(Chapter II—Of Transfers of Property by Act of
Parties.—Sections 27-29.)

consent of C, D and E, but obtains their consent after the marriage B has not fulfilled the condition

Conditional
transfer to
one person
coupled with
transfer to
another on
failure of
prior disposi-
tion

27. Where, on a transfer of property, an interest therein is created in favour of one person, and by the same transaction an ulterior disposition of the same interest is made in favour of another, if the prior disposition under the transfer shall fail, the ulterior disposition shall take effect upon the failure of the prior disposition, although the failure may not have occurred in the manner contemplated by the transferor.

But, where the intention of the parties to the transaction is that the ulterior disposition shall take effect only in the event of the prior disposition failing in a particular manner, the ulterior disposition shall not take effect unless the prior disposition fails in that manner

Illustrations.

(a) A transfers Rs 500 to B on condition that he shall execute a certain lease within three months after A's death, and, if he should neglect to do so, to C. B dies in A's life time. The disposition in favour of C takes effect.

(4) A transfers property to his wife, but, in case she should die in his life-time transfers to B that which he had transferred to her. A and his wife perish together, under circumstances which make it impossible to prove that she died before him. The disposition in favour of B does not take effect

Utlterior
transfer con-
ditional on
happening or
not happen-
ing of spec-
ified event.

28. On a transfer of property an interest therein may be created to accrue to any person with the condition superadded that in case a specified uncertain event shall happen such interest shall pass to another person, or that in case a specified uncertain event shall not happen such interest shall pass to another person. In each case the dispositions are subject to the rules contained in sections 10, 12, 21, 22, 23, 24, 25 and 27.

Fulfilment of
condition
subsequa

29. An ulterior disposition of the kind contemplated by the last preceding section cannot take effect unless the condition is strictly fulfilled.

Illustration

(Chapter II — Of Transfers of Property by Act of Parties.—Sections 30-33.)

Illustration

A transfers Rs 500 to B, to be paid to him on his attaining his majority or marrying with a proviso that if B dies a minor or marries without C's consent, the Rs 500 shall go to D. B marries when only 17 years of age without C's consent. The transfer to D takes effect.

30. If the ulterior disposition is not valid, the prior disposition is not affected by it.

Illustration

A transfers a farm to B for her life and, if she do not desert her husband, to C. B is entitled to the farm during her life as if no condition had been inserted.

31. Subject to the provisions of section 12, on a transfer of property an interest therein may be created with the condition superadded that it shall cease to exist in case a specified uncertain event shall happen, or in case a specified uncertain event shall not happen.

Illustrations

(a) A transfers a farm to B for his life, with a proviso that, in case B cuts down a certain wood the transfer shall cease to have any effect. B cuts down the wood. He loses his life-interest in the farm.

(b) A transfers a farm to B, provided that, if B shall not go to England within three years after the date of the transfer, his interest in the farm shall cease. B does not go to England within the term prescribed. His interest in the farm ceases.

32. In order that a condition that an interest shall cease to exist may be valid, it is necessary that the event to which it relates be one which could legally constitute the condition of the creation of an interest.

Where, on a transfer of property, an interest in it is created subject to a condition that the person taking it shall perform a certain act, but no time is specified for the performance of the act, the condition is broken when he renders impossible,

permanently

Prior disposition not affected by invalidity of ulterior disposition

Condition that transfer shall cease to have effect in case a specified uncertain event happens or does not happen

Such condition must not be illegal

Transfer not valid on performance of act, no time being specified for performance

(Chapter II—Of Transfers of Property by Act of Parties.—Sections 27-29.)

consent of C, D and E, but obtains their consent after the marriage B has not fulfilled the condition

Conditional transfer to one person coupled with transfer to another on failure of prior disposition

27. Where, on a transfer of property, an interest therein is created in favour of one person, and by the same transaction an ulterior disposition of the same interest is made in favour of another, if the prior disposition under the transfer shall fail, the ulterior disposition shall take effect upon the failure of the prior disposition, although the failure may not have occurred in the manner contemplated by the transferor.

But, where the intention of the parties to the transaction is that the ulterior disposition shall take effect only in the event of the prior disposition failing in a particular manner, the ulterior disposition shall not take effect unless the prior disposition fails in that manner

Illustrations.

(a) A transfers Rs. 500 to B on condition that he shall execute a deed of gift in favour of C on his death, and, if he dies before C, the money shall be paid to C at his life time. The

(b) A transfers property to his wife, but, in case she should die in his life-time transfers to B that which he had transferred to her. A and his wife perish together, under circumstances which make it impossible to prove that she died before him. The disposition in favour of B does not take effect

Uterior transfer conditional on happening or not happening of specified event.

28. On a transfer of property an interest therein may be created to accrue to any person with the condition superadded that in case a specified uncertain event shall happen such interest shall pass to another person, or that in case a specified uncertain event shall not happen such interest shall pass to another person. In each case the dispositions are subject to the rules contained in sections 10, 12, 21, 22, 23, 24, 25 and 27.

Fulfillment of condition subsequent

29. An ulterior disposition of the kind contemplated by the last preceding section cannot take effect unless the condition is strictly fulfilled.

Illustration

*(Chapter II.—Of Transfers of Property by Act of Parties.—Sections 30-33.)**Illustration.*

A transfers Rs 500 to B, to be paid to him on his attaining his majority or marrying, with a proviso that, if B dies a minor or marries without C's consent, the Rs. 500 shall go to D. B marries when only 17 years of age, without C's consent. The transfer to D takes effect.

30. If the ulterior disposition is not valid, the prior disposition is not affected by it.

Prior disposition not affected by invalidity of ulterior disposition.

Illustration.

A transfers a farm to B for her life, and, if she do not desert her husband, to C. B is entitled to the farm during her life as if no condition had been inserted.

31. Subject to the provisions of section 12, on a transfer of property an interest therein may be created with the condition superadded that it shall cease to exist in case a specified uncertain event shall happen, or in case a specified uncertain event shall not happen.

Condition that transfer shall cease to have effect in case specified uncertain event happens or does not happen.

Illustrations.

(a) A transfers a farm to B for his life, with a proviso that, in case B cuts down a certain wood, the transfer shall cease to have any effect. B cuts down the wood. He loses his life-interest in the farm.

(b) A transfers a farm to B, provided that, if B shall not go to England within three years after the date of the transfer, his interest in the farm shall cease. B does not go to England within the term prescribed. His interest in the farm ceases.

32. In order that a condition that an interest shall cease to exist may be valid, it is necessary that the event to which it relates be one which could legally constitute the condition of the creation of an interest.

Each condition must not be illegal.

Where, on a transfer of property, an interest is created subject to a condition that the person taking it shall perform a certain act, but no time is specified for the performance of the act, the condition is broken when he renders impossible,

Transfer conditional on performance of act, no time being specified for performance.

permanently

(Chapter II—Of Transfers of Property by Act of Parties.—Sections 34-35)

permanently or for an indefinite period, the performance of the act.

Transfer
conditional
on performance
of act
time being
specified

34. Where an act is to be performed by a person either as a condition to be fulfilled before an interest created on a transfer of property is enjoyed by him, or as a condition on the non-fulfilment of which the interest is to pass from him to another person, and a time is specified for the performance of the act, if such performance within the specified time is prevented by the fraud of a person who would be directly benefited by non-fulfilment of the condition, such further time shall as against him be allowed for performing the act as shall be requisite to make up for the delay caused by such fraud. But if no time is specified for the performance of the act, then, if its performance is by the fraud of a person interested in the non-fulfilment of the condition rendered impossible or indefinitely postponed, the condition shall as against him be deemed to have been fulfilled.

Election

Election
when necessary

35. Where a person professes to transfer property which he has no right to transfer, and as part of the same transaction confers any benefit on the owner of the property, such owner must elect either to confirm such transfer or to dissent from it, and in the latter case he shall relinquish the benefit so conferred, and the benefit so relinquished shall revert to the transferor or his representatives if it had not been disposed of,

subject nevertheless,

where the transfer is gratuitous, and the transferor has, before the election, died or otherwise become incapable of making a fresh transfer,

and in all cases where the transfer is for consideration,

to the charge of making good to the disappointed transferee the amount or value of the property attempted to be transferred to him.

Illustrations.

The farm of Sultanpur is the property of C and worth Rs. 800. A by an instrument of gift professes to transfer it to B, giving by the same instrument Rs. 1,000 to C. C elects to retain the farm. He forfeits the gift of Rs. 1,000.

In the same case, A dies before the election. His representative must out of the Rs. 1,000 pay Rs. 800 to B.

The rule is the first paragraph of this section applies whether the transferor does or does not believe that which he professes to transfer to be his own.

A person taking no benefit directly under a transaction, but deriving a benefit under it indirectly, need not elect.

A person who in his own capacity takes a benefit under the transaction may in another dissent therefrom.

Exception to the last preceding four rules.—Where a particular benefit is expressed to be conferred on the owner of the property which the transferor professes to transfer, and such benefit is expressed to be in lieu of that property, if such owner claim the property, he must relinquish the particular benefit, but he is not bound to relinquish any other benefit conferred upon him by the same transaction.

Acceptance of the benefit by the person on whom it is conferred constitutes an election by him to confirm the transfer, if he is aware of his duty to elect and of those circumstances which would influence the judgment of a reasonable man in making an election, or if he waives enquiry into the circumstances.

Such knowledge or waiver shall, in the absence of evidence to the contrary, be presumed, if the person on whom the benefit has been conferred has enjoyed it

[ACT IV]

Transfer of Property
(Chapter II.—Of Transfers of Property by Act of Parties.—Sections 34-35)

permanently or for an indefinite period, the performance of the act

Transfer
conditional
on performance of act
time being specified

34. Where an act is to be performed by a person either as a condition to be fulfilled before an interest created on a transfer of property is enjoyed by him, or as a condition on the non-fulfilment of which the interest is to pass from him to another person, and a time is specified for the performance of the act, if such performance within the specified time is prevented by the fraud of a person who would be directly benefited by non-fulfilment of the condition, such further time shall as against him be allowed for performing the act as shall be requisite to make up for the delay caused by such fraud. But if no time is specified for the performance of the act, then, if its performance is by the fraud of a person interested in the non-fulfilment of the condition rendered impossible or indefinitely postponed, the condition shall as against him be deemed to have been fulfilled.

Election

Election
when necessary

35. Where a person professes to transfer property which he has no right to transfer, and as part of the same transaction confers any benefit on the owner of the property, such owner must elect either to confirm such transfer or to dissent from it, and in the latter case he shall relinquish the benefit so conferred, and the benefit so relinquished shall revert to the transferor or his representative as if it had not been disposed of,

subject nevertheless,

where the transfer is gratuitous, and the transferor has, before the election, died or otherwise become incapable of making a fresh transfer,

and in all cases where the transfer is for consideration,

(Chapter II.—Of Transfers of Property by Act of Parties.—Section 35.)

to the charge of making good to the disappointed transferee the amount or value of the property attempted to be transferred to him.

Illustrations.

The farm of Sultanpur is the property of C and worth Rs. 800. A by an instrument of gift professes to transfer it to B, giving by the same instrument Rs. 1,000 to C. C elects to retain the farm. He forfeits the gift of Rs. 1,000.

In the same case, A dies before the election. His representative must out of the Rs. 1,000 pay Rs. 800 to B.

The rule in the first paragraph of this section applies whether the transferor does or does not believe that which he professes to transfer to be his own.

A person taking no benefit directly under a transaction, but deriving a benefit under it indirectly, need not elect.

A person who in his own capacity takes a benefit under the transaction may in another dissent therefrom.

Exception to the last preceding four rules.—Where a particular benefit is expressed to be conferred on the owner of the property which the transferor professes to transfer, and such benefit is expressed to be in lieu of that property, if such owner claim the property, he must relinquish the particular benefit, but he is not bound to relinquish any other benefit conferred upon him by the same transaction.

Acceptance of the benefit by the person on whom it is conferred constitutes an election by him to confirm the transfer, if he is aware of his duty to elect and of those circumstances which would influence the judgment of a reasonable man in making an election, or if he waives enquiry into the circumstances.

Such knowledge or waiver shall, in the absence of evidence to the contrary, be presumed, if the person on whom the benefit has been conferred has enjoyed

Transfer of Property. [ACT IV
(Chapter II.—Of Transfers of Property by Act of
Parties.—Sections 36-37.)

it for two years without doing any act to express dissent.

Such knowledge or waiver may be inferred from any act of his which renders it impossible to place the persons interested in the property professed to be transferred in the same condition as if such act had not been done.

Illustration.

A transfers to B an estate to which C is entitled, and as part of the same transaction gives C a coal-mine. C takes possession of the mine and exhausts it. He has thereby confirmed the transfer of the estate to B.

If he does not within one year after the date of the transfer signify to the transferor or his representatives his intention to confirm or to dissent from the transfer, the transferor or his representatives may, upon the expiration of that period, require him to make his election; and, if he does not comply with such requisition within a reasonable time after he has received it, he shall be deemed to have elected to confirm the transfer.

In case of disability, the election shall be postponed until the disability ceases, or until the election is made by some competent authority.

Apportionment.

Apportionment of periodical payments on determination of interest of person entitled. 36. In the absence of a contract or local usage to the contrary, all rents, annuities, pensions, dividends and other periodical payments in the nature of income shall, upon the transfer of the interest of the person entitled to receive such payments, be deemed, as between the transferor and transferee, to accrue due from day to day, and to be apportionable accordingly, but to be payable on the days appointed for the payment thereof.

Apportionment of benefit of estate. 37. When, in consequence of a transfer, property is divided and held in several shares, and thereupon

(Chapter II.—Of Transfers of Property by Act of Parties.—Section 38)

thereupon the benefit of any obligation relating to the property as a whole passes from one to several owners of the property, the corresponding duty shall, in the absence of a contract to the contrary amongst the owners, be performed in favour of each of such owners in proportion to the value of his share in the property, provided that the duty can be severed and that the severance does not substantially increase the burden of the obligation, but if the duty cannot be severed, or if the severance would substantially increase the burden of the obligation, the duty shall be performed for the benefit of such one of the several owners as they shall jointly designate for that purpose.

ligation on
severance

Provided that no person on whom the burden of the obligation lies shall be answerable for failure to discharge it in manner provided by this section, unless and until he has had reasonable notice of the severance.

Nothing in this section applies to leases for agricultural purposes unless and until the Local Government by notification in the official Gazette so directs.

Illustrations

(a) A sells to B, C and D a house situate in a village and leased to E at an annual rent of Rs 30 and delivery of one fat sheep, B having provided half the purchase-money and C and D one quarter each. E, having notice of this, must pay Rs 15 to B, Rs 7½ to C and Rs 7½ to D, and must deliver the sheep according to the joint direction of B, C and D.

(b) In the same case, each house in the village being bound to provide ten days' labour each year on a dyle to prevent inundation, E had agreed as a term of his lease to perform this work for A. B, C and D severally require E to perform the ten days' work due on account of the house of each. E is not bound to do more than ten days' work in all, according to such directions as B, C and D may join in giving.

(B) Transfer of Immoveable Property.

38. Where any person, authorized only under circumstances in their nature variable to dispose of immovable

Transfer by
person
authorized
only under

(Chapter II.—Of Transfers of Property by Act of Parties.—Section 39.)

certain circumstances to transfer.

immoveable property, transfers such property for consideration, alleging the existence of such circumstances, they shall, as between the transferee on the one part and the transferor and other persons (if any) affected by the transfer on the other part, be deemed to have existed, if the transferee, after using reasonable care to ascertain the existence of such circumstances, has acted in good faith.

Illustration.

A, a Hindu widow, whose husband has left collateral heirs alleging that the property held by her as such is insufficient for her maintenance, agrees, for purposes neither religious nor charitable, to sell a field, part of such property, to B. B satisfies himself by reasonable enquiry that the income of the property is insufficient for A's maintenance, and that the sale of the field is necessary, and, acting in good faith, buys the field from A. As between B on the one part and A and the collateral heirs on the other part, a necessity for the sale shall be deemed to have existed.

Transfer where third person is entitled to maintenance.

39. Where a third person has a right to receive maintenance or a provision for advancement or marriage from the profits of immoveable property, and such property is transferred with the intention of defeating such right, the right may be enforced against the transferee, if he has notice of such intention or if the transfer is gratuitous; but not against a transferee for consideration and without notice of the right, nor against such property in his hands.

Illustration.

A, a Hindu, transfers Sultanpur to his sister-in-law B, in lieu of her claim against him for maintenance in virtue of his having become entitled to her deceased husband's property, and agrees with her that, if she is dispossessed of Sultanpur, A will transfer to her an equal area out of such of several other specified villages in his possession as she may elect. A sells the specified villages to C, who buys in good faith, without notice of the agreement. B is dispossessed of Sultanpur. She has no claim on the villages transferred to C.

(Chapter II.—Of Transfers of Property by Act of Parties.—Sections 40-42.)

40. Where, for the more beneficial enjoyment of his own immovable property, a third person has, independently of any interest in the immovable property of another or of any easement thereon, a right to restrain the enjoyment of the latter property or to compel its enjoyment in a particular manner, or

where a third person is entitled to the benefit of an obligation arising out of contract and annexed to the ownership of immovable property, but not amounting to an interest therein or easement thereon,

such right or obligation may be enforced against a transferee with notice thereof or a gratuitous transferee of the property affected thereby, but not against a transferee for consideration and without notice of the right or obligation, nor against such property in his hands.

Illustration.

A contracts to sell *Plotting* to B. While the contract is still in force he sells *Plotting* to C, who has notice of the contract. B may enforce the contract against C, to the same extent as against A.

41. Where, with the consent, express or implied, of the persons interested in immovable property, a person is the ostensible owner of such property and transfers the same for consideration, the transfer shall not be voidable on the ground that the transferor was not authorized to make it, provided that the transferee, after taking reasonable care, believes that the transferor had power to make the transfer, has acted in good faith.

42. Where a person transfers any immovable property, reserving power to revoke the transfer, and subsequently transfers the property for consideration to another transferee, such transfer operates in favour of such transferee (subject to any condition attached to the exercise of the power) as a revocation of the former transfer to the extent of the power.

Illustration.

[ACT IV

Transfer of Property

(Chapter II.—Of Transfers of Property by Act of Parties—Sections 43-44.)

Illustration

A lets a house to B, and reserves power to revoke the lease if, in the opinion of a specified surveyor, B should make a use of it detrimental to its value. Afterwards A, thinking that such a use has been made, lets the house to C. This operates as a revocation of B's lease subject to the opinion of the surveyor as to B's use of the house having been detrimental to its value.

Transfer by
unauthorized
person who
subsequently
acquires
interest in
property
transferred

43. Where a person erroneously represents that he is authorized to transfer certain immovable property and professes to transfer such property for consideration, such transfer shall, at the option of the transferee, operate on any interest which the transferor may require in such property at any time during which the contract of transfer subsists.

Nothing in this section shall impair the right of transferees in good faith for consideration without notice of the existence of the said option.

Illustration

A, a Hindu who has separated from his father B, sells to C three fields, X, Y and Z, representing that A is authorized to transfer the same. Of these fields Z does not belong to A, it having been retained by B in the partition, but on B's dying A as heir obtains Z. C not having rescinded the contract of sale, may require A to deliver Z to him.

Transfer by
one co-owner

44. Where one of two or more co-owners of immovable property legally competent in that behalf transfers his share of such property or any interest therein, the transferee requires, as to such share or interest, and so far as is necessary to give effect to the transfer, the transferor's right to joint possession or other common or part enjoyment of the property, and to enforce a partition of the same, but subject to the conditions and liabilities affecting, at the date of the transfer, the share or interest so transferred.

Where the transferee of a share of a dwelling house belonging to an undivided family is not a member of the family, nothing in this section shall

ho

(Chapter II.—Of Transfers of Property by Act of Parties—Sections 45-46.)

be deemed to entitle him to joint possession or other common or part enjoyment of the house.

45. Where immovable property is transferred for consideration to two or more persons, and such consideration is paid out of a fund belonging to them in common, they are, in the absence of a contract to the contrary, respectively entitled to interests in such property identical, as nearly as may be, with the interests to which they were respectively entitled in the fund; and, where such consideration is paid out of separate funds belonging to them respectively, they are, in the absence of a contract to the contrary, respectively entitled to interests in such property in proportion to the shares of the consideration which they respectively advanced.

Joint transfer for consideration.

In the absence of evidence as to the interests in the fund to which they were respectively entitled, or as to the shares which they respectively advanced, such persons shall be presumed to be equally interested in the property.

46. Where immovable property is transferred for consideration by persons having distinct interests therein, the transferors are, in the absence of a contract to the contrary, entitled to share in the consideration equally, where their interests in the property were of equal value, and, where such interests were of unequal value, proportionately to the value of their respective interests.

Transfer for consideration by persons having distinct interests

Illustrations.

(a) A, owing a moiety, and B and C, each a quarter share, of mouza Sultanpur, exchange an eighth share of that mouza for a quarter share of mouza Lalpura. There being no agreement to the contrary, A is entitled to an eighth share in Lalpura, and B and C each to a sixteenth share in that mouza.

(b) A, being entitled to a life interest in mouza Atrali and B and C to the reversion, sell the mouza for Rs 1,000. A's life-interest is ascertained to be worth Rs 600, the reversion

Transfer of Property. [ACT IV
(Chapter II—Of Transfers of Property by Act of
Parties.—Sections 47-50.)

Rs. 400. A is entitled to receive Rs. 600 out of the purchase money, B and C to receive Rs. 400.

Transfer by
co-owners of
share in
common
property.

47. Where several co-owners of immoveable property transfer a share therein without specifying that the transfer is to take effect on any particular share or shares of the transferors, the transfer, as among such transferors, takes effect on such shares equally where the shares were equal, and, where they were unequal, proportionately to the extent of such shares.

Illustration.

A, the owner of an eight-anna share, B and C, each the owner of a four-anna share, in mouza Sultanpur, transfer a two-anna share in the mouza to D, without specifying from which of their several shares the transfer is made. To give effect to the transfer one-anna share is taken from the share of A, and half an anna share from each of the shares of B and C.

Priority of
rights created
by transfer.

48. Where a person purports to create by transfer at different times rights in or over the same immoveable property, and such rights cannot all exist or be exercised to their full extent together, each later created right shall, in the absence of a special contract or reservation binding the earlier transferees, be subject to the rights previously created.

Transferee's
right under
policy.

49. Where immoveable property is transferred for consideration, and such property or any part thereof is at the date of the transfer insured against loss or damage, by fire, the transferee, in case of such loss or damage, may, in the absence of a contract to the contrary, require any money which the transferor actually receives under the policy, or so much thereof as may be necessary, to be applied in reinstating the property.

Rent bond
fide jacto
holder under
defective
title.

50. No person shall be chargeable with any rents or profits of any immoveable property, which he has in good faith paid or delivered to any person of whom he in good faith held such property, notwithstanding it may afterwards appear that the person to whom
such

such payment or delivery was made had no right to receive such rents or profits.

Illustration

A lets a field to B at a rent of Rs 50, and then transfers the field to C. B, having no notice of the transfer, in good faith pays the rent to A. B is not chargeable with the rent so paid.

51. When the transferee of immoveable property makes any improvement on the property, believing in good faith that he is absolutely entitled thereto, and he is subsequently evicted therefrom by any person having a better title, the transferee has a right to require the person causing the eviction either to have the value of the improvement estimated and paid or secured to the transferee, or to sell his interest in the property to the transferee at the then market-value thereof irrespective of the value of such improvement.

Improvements made by bona fide holders under defective titles

The amount to be paid or secured in respect of such improvement shall be the estimated value thereof at the time of the eviction.

When, under the circumstances aforesaid, the transferee has planted or sown on the property crops which are growing when he is evicted therefrom, he is entitled to such crops and to free ingress and egress to gather and carry them.

52. During the active prosecution in any Court having authority in British India, or established beyond the limits of British India by the Governor General in Council, of a contentions suit or proceeding in which any right to immoveable property is directly and specifically in question, the property cannot be transferred or otherwise dealt with by any party to the suit or proceeding so as to affect the rights of any other party thereto under any decree or order which may be made therein, except

Transfer of property pending suit relating thereto.

under

(Chapter II—Of Transfers of Property by Act of Parties—Section 53 Chapter III—Of Sales of Immoveable Property—Section 54)

under the authority of the Court and on such terms as it may impose

Fraudulent transfer

53. Every transfer of immoveable property, made with intent to defraud prior or subsequent transferees thereof for consideration, or co owners or other persons having an interest in such property, or to defraud or delay the creditors of the transferor, is voidable at the option of any person so defrauded, defrauded or delayed

Where the effect of any transfer of immoveable property is to defraud, defraud or delay any such person, and such transfer is made gratuitously or for a grossly inadequate consideration, the transfer may be presumed to have been made with such intent as aforesaid

Nothing contained in this section shall impair the rights of any transferee in good faith and for consideration

CHAPTER III

OF SALES OF IMMOVEABLE PROPERTY

Sale defined

54 "Sale" is a transfer of ownership in exchange for a price paid or promised or part paid and part promised

Sale how made

¹ Such transfer, in the case of tangible immoveable property of the value of one hundred rupees and upwards, or in the case of a reversion or other intangible thing, can be made only by a registered instrument

² In the case of tangible immoveable property of a value less than one hundred rupees, such transfer may be made either by a registered instrument or by delivery of the property

Delivery

* operation of paragraphs 2 and 3 of
* extend to every cantonment in
* 1859 (13 of 1859) * 32 (1)

*(Chapter III.—Of Sales of Immoveable Property.—
Section 55.)*

Delivery of tangible immoveable property takes place when the seller places the buyer, or such person as he directs, in possession of the property.

A contract for the sale of immoveable property is a contract that a sale of such property shall take place on terms settled between the parties. Contract for sale.

It does not, of itself, create any interest in or charge on such property.

55. In the absence of a contract to the contrary, the buyer and the seller of immoveable property respectively are subject to the liabilities, and have the rights, mentioned in the rules next following or such of them as are applicable to the property sold : Rights and liabilities of buyer and seller.

(1) The seller is bound—

- (a) to disclose to the buyer any material defect in the property of which the seller is, and the buyer is not, aware, and which the buyer could not with ordinary care discover ;
- (b) to produce to the buyer on his request for examination all documents of title relating to the property which are in the seller's possession or power ;
- (c) to answer to the best of his information all relevant questions put to him by the buyer in respect to the property or the title thereto ;
- (d) on payment or tender of the amount due in respect of the price to execute a proper conveyance of the property when the buyer tenders it to him for execution at a proper time and place ;
- (e) between the date of the contract of sale and the delivery of the property, to take as much care of the property and all documents of title relating thereto which are in

his

*(Chapter III.—Of Sales of Immoveable Property.—
Section 55.)*

his possession as an owner of ordinary prudence would take of such property and documents;

(f) to give, on being so required, the buyer, or such person as he directs, such possession of the property as its nature admits;

(g) to pay all public charges and rent accrued due in respect of the property up to the date of the sale, the interest on all incumbrances on such property due on such date, and, except where the property is sold subject to incumbrances, to discharge all incumbrances on the property then existing.

(2) The seller shall be deemed to contract with the buyer that the interest which the seller professes to transfer to the buyer subsists and that he has power to transfer the same:

Provided that, where the sale is made by a person in a fiduciary character, he shall be deemed to contract with the buyer that the seller has done no act whereby the property is incumbered or whereby he is hindered from transferring it.

The benefit of the contract mentioned in this rule shall be annexed to, and shall go with the interest of the transferee as such, and may be enforced by every person in whom that interest is for the whole or any part thereof from time to time vested.

(3) Where the whole of the purchase-money has been paid to the seller, he is also bound to deliver to the buyer all documents of title relating to the property which are in the seller's possession or power:

Provided that, (a) where the seller retains any part of the property comprised in such documents, he is entitled to retain them all, and, (b) where the whole of such property is sold to different buyers, the buyer of the lot of greatest value is entitled to such documents. But in case (a) the seller, and in case (b) the

*(Chapter III.—Of Sales of Immoveable Property.—
Section 55.)*

the buyer of the lot of greatest value, is bound, upon every reasonable request by the buyer, or by any of the other buyers, as the case may be, and at the cost of the person making the request, to produce the said documents and furnish such true copies thereof or extracts therefrom as he may require; and in the meantime, the seller, or the buyer of the lot of greatest value, as the case may be, shall keep the said documents safe, uncanceled and undefaced, unless prevented from so doing by fire or other inevitable accident.

(4) The seller is entitled—

(a) to the rents and profits of the property till the ownership thereof pass to the buyer;

(b) where the ownership of the property has passed to the buyer before payment of the whole of the purchase-money, to a charge upon the property in the hands of the buyer for the amount of the purchase-money, or any part thereof remaining unpaid, and for interest on such amount or part.

(5) The buyer is bound—

(a) to disclose to the seller any fact as to the nature or extent of the seller's interest in the property of which the buyer is aware but of which he has reason to believe that the seller is not aware, and which materially increases the value of such interest;

(b) to pay or tender at the time and place of completing the sale, the purchase-money to the seller or such person as he directs: provided that, where the property is sold free from incumbrances, the buyer may retain out of the purchase-money the amount of any incumbrances on the property existing at the date of the sale, and shall pay the
amount

*(Chapter III.—Of Sales of Immoveable Property.—
Section 55.)*

amount so retained to the persons entitled thereto;

- (c) where the ownership of the property has passed to the buyer, to bear any loss arising from the destruction, injury or decrease in value of the property not caused by the seller;
- (d) where the ownership of the property has passed to the buyer, as between himself and the seller, to pay all public charges and rent which may become payable in respect of the property, the principal moneys due on any incumbrances subject to which the property is sold, and the interest thereon afterwards accruing due.

(6) The buyer is entitled—

- (a) where the ownership of the property has passed to him, to the benefit of any improvement in, or increase in value of, the property, and to the rents and profits thereof;
- (b) unless he has improperly declined to accept delivery of the property, to a charge on the property, as against the seller and all persons claiming under him with notice of the payment, to the extent of the seller's interest in the property, for the amount of any purchase-money properly paid by the buyer in anticipation of the delivery and for interest on such amount; and, when he properly declines to accept the delivery, also for the earnest (if any) and for the costs (if any) awarded to him of a suit to compel specific performance of the contract or to obtain a decree for its rescission.

An omission to make such disclosures as are mentioned in this section, paragraph (1), clause (a), and paragraph (5), clause (a), is fraudulent.

56. Where

*(Chapter III.—Of Sales of Immoveable Property.—
Sections 56-57.)*

56. Where two properties are subject to a common charge, and one of the properties is sold, the buyer is, as against the seller, in the absence of a contract to the contrary, entitled to have the charge satisfied out of the other property, so far as such property will extend.

Sale of one of two properties subject to a common charge.

Discharge of Incumbrances on Sale.

57. (a) Where immoveable property subject to any incumbrance, whether immediately payable or not, is sold by the Court or in execution of a decree, or out of Court, the Court may, if it thinks fit, on the application of any party to the sale, direct or allow payment to Court,—

Provision by Court for incumbrance and sale free therefrom.

- (1) in case of an annual or monthly sum charged on the property, or of a capital sum charged on a determinable interest in the property,—of such amount as, when invested in securities of the Government of India, the Court considers will be sufficient, by means of the interest thereof, to keep down or otherwise provide for that charge, and
- (2) in any other case of a capital sum charged on the property,—of the amount sufficient to meet the incumbrance and any interest due thereon.

But in either case there shall also be paid into Court such additional amount as the Court considers will be sufficient to meet the contingency of further costs, expenses and interest, and any other contingency except depreciation of investments not exceeding one-tenth part of the original amount to be paid in, unless the Court for special reasons (which it shall record) thinks fit to require a larger additional amount.

(b) Thereupon the Court may, if it thinks fit, and after notice to the incumbrancer, unless the Court, for reasons to be recorded in writing, thinks fit to

dispense

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Section 58.)

dispense with such notice, declare the property to be freed from the incumbrance, and make any order for conveyance, or vesting order, proper for giving effect to the sale, and give directions for the retention and investment of the money in Court.

(c) After notice served on the persons interested in or entitled to the money or fund in Court, the Court may direct payment of transfer thereof to the persons entitled to receive or give a discharge for the same, and generally may give directions respecting the application or distribution of the capital or income thereof.

(d) An appeal shall lie from any declaration, order or direction under this section as if the same were a decree.

(e) In this section "Court" means (1) a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction, (2) the Court of a District Judge within the local limits of whose jurisdiction the property or any part thereof is situated, (3) any other Court which the Local Government may, from time to time, by notification in the official Gazette, declare to be competent to exercise the jurisdiction conferred by this section.

CHAPTER IV.

OF MORTGAGES OF IMMOVEABLE PROPERTY AND CHARGES.

58. (a) A mortgage is the transfer of an interest in specific immoveable property for the purpose of securing the payment of money advanced or to be advanced by way of loan, an existing or future debt, or the performance of an engagement which may give rise to a pecuniary liability.

The transferor is called a mortgagor, the transferee a mortgagee; the principal money and interest of which

(Chapter IV — Of Mortgages of Immoveable Property and Charges — Section 58)

which payment is secured for the time being are called the mortgage-money, and the instrument (if any) by which the transfer is effected is called a mortgage-deed.

(b) Where, without delivering possession of the mortgaged property, the mortgagor binds himself personally to pay the mortgage-money, and agrees, expressly or impliedly, that, in the event of his failing to pay according to his contract, the mortgagee shall have a right to cause the mortgaged property to be sold and the proceeds of sale to be applied, so far as may be necessary, in payment of the mortgage-money, the transaction is called a simple mortgage and the mortgagee a simple mortgagee Simple mortgage

(c) Where the mortgagor ostensibly sells the mortgaged property— Mortgage by conditional sale.

on condition that on default of payment of the mortgage money on a certain date the sale shall become absolute, or

on condition that on such payment being made the sale shall become void, or

on condition that on such payment being made the buyer shall transfer the property to the seller,

the transaction is called a mortgage by conditional sale and the mortgagee a mortgagee by conditional sale.

(d) Where the mortgagor delivers possession of the mortgaged property to the mortgagee, and authorizes him to retain such possession until payment of the mortgage money, and to receive the rents and profits accruing from the property and to appropriate them in lieu of interest, or in payment of the mortgage-money, or partly in lieu of interest and partly in payment of the mortgage-money, the transaction is called an usufructuary mortgage and the mortgagee an usufructuary mortgagee Usufructuary mortgage

(e) Where the mortgagor binds himself to repay the mortgage-money on a certain date, and transfers the English mortgage.

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Sections 59-60.)

the mortgaged property absolutely to the mortgagee, but subject to a proviso that he will re-transfer it to the mortgagor upon payment of the mortgage-money as agreed, the transaction is called an English mortgage.

Mortgage
when to be
by assurance.

59. Where the principal money secured is one hundred rupees or more, a mortgage can be effected only by a registered instrument signed by the mortgagor and the mortgagee or his agent.

Where the principal money secured is less than one hundred rupees, a mortgage may be effected either by ²[a registered instrument] signed and attested as aforesaid, or (except in the case of a simple mortgage) by delivery of the property.

Nothing in this section shall be deemed to render invalid mortgages made in the towns of Calcutta, Madras, Bombay, Karachi, ³[Rangoon, Moulmein, Bassoon and Akyab], by delivery to a creditor or his agent of documents of title to immoveable property, with intent to create a security thereon.

Rights and Liabilities of Mortgagor.

Right of
mortgagor to
redeem.

60. At any time after the principal money has become payable, the mortgagor has a right, on payment or tender, at a proper time and place, of the mortgage-money, to require the mortgagee (a) to deliver the mortgage-deed, if any, to the mortgagor, (b) where the mortgagee is in possession of the mortgaged property, to deliver possession thereof to the mortgagor, and (c) at the cost of the mortgagor either to re-transfer the mortgaged property to him or to such third person as he may direct, or to execute and

(where

¹ As to limitation to the territorial operation of s. 59, see s. 1, *supra*. S. 59 extends to every cantonment in British India—see the Cantonments Act, 1892 (XIII of 1892), s. 32 (1), *relating*, General Act, Vol. V. Ed. 1898, p. 235.

² Substituted for "an instrument" by the Transfer of Property Act (Amendment) Act, 1901 (6 of 1901), s. 3.

³ Substituted for "and Rangoon" by Act 6 of 1904, s. 4.

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Section 61.)

(where the mortgage has been effected by a registered instrument) to have registered an acknowledgment in writing that any right in derogation of his interest transferred to the mortgagee has been extinguished :

Provided that the right conferred by this section has not been extinguished by act of the parties or by order of a Court.

The right conferred by this section is called a right to redeem and a suit to enforce it is called a suit for redemption.

Nothing in this section shall be deemed to render invalid any provision to the effect that, if the time fixed for payment of the principal money has been allowed to pass or no such time has been fixed, the mortgagee shall be entitled to reasonable notice before payment or tender of such money.

Nothing in this section shall entitle a person interested in a share only of the mortgaged property to redeem his own share only, on payment of a proportionate part of the amount remaining due on the mortgage, except where a mortgagee, or, if there are more mortgagees than one, all such mortgagees, has or have acquired, in whole or in part, the share of a mortgagor.

Redemption of portion of mortgaged property.

61. A mortgagor seeking to redeem any one mortgage shall, in the absence of a contract to the contrary, be entitled to do so without paying any money due under any separate mortgage made by him, or by any person through whom he claims, on property other than that comprised in the mortgage which he seeks to redeem.

Right to redeem one of two properties separately mortgaged.

Illustration.

A, the owner of farms Z and Y, mortgages Z to B for Rs. 1,000. A afterwards mortgages Y to B for Rs. 1,000, making no stipulation as to any additional charge on Z. A may institute a suit for the redemption of the mortgage on Z alone.

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Sections 62-63.)

Right of usufructuary mortgagor to recover possession.

62. In the case of a usufructuary mortgage, the mortgagor has a right to recover possession of the property,—

- : (a) where the mortgagee is authorized to pay himself the mortgage-money from the rents and profits of the property,—when such money is paid ;
- (b) where the mortgagee is authorized to pay himself from such rents and profits the interest of the principal money,—when the term (if any), prescribed for the payment of the mortgage-money has expired and the mortgagor pays or tenders to the mortgagee the principal money or deposits it in Court as hereinafter provided.

Accession to mortgaged property.

63. Where mortgaged property in possession of the mortgagee has, during the continuance of the mortgage, received any accession, the mortgagor, upon redemption, shall, in the absence of a contract to the contrary, be entitled as against the mortgagee to such accession.

Accession acquired in virtue of transferred ownership.

Where such accession has been acquired at the expense of the mortgagee, and is capable of separate possession or enjoyment without detriment to the principal property, the mortgagor desiring to take the accession must pay to the mortgagee the expense of acquiring it. If such separate possession or enjoyment is not possible, the accession must be delivered with the property, the mortgagor being liable, in the case of an acquisition necessary to preserve the property from destruction, forfeiture or sale, or made with his assent, to pay the proper cost thereof, as an addition to the principal money, at the same rate of interest.

In the case last mentioned the profits, if any, arising from the accession shall be credited to the mortgagor.

Where

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Sections 64-65.)

Where the mortgage is usufructuary and the accession has been acquired at the expense of the mortgagee, the profits, if any, arising from the accession shall, in the absence of a contract to the contrary, be set off against interest, if any, payable on the money so expended.

64 Where the mortgaged property is a lease for a term of years, and the mortgagee obtains a renewal of the lease, the mortgagor, upon redemption, shall, in the absence of a contract by him to the contrary, have the benefit of the new lease

Renewal of mortgaged lease.

65. In the absence of a contract to the contrary, the mortgagor shall be deemed to contract with the mortgagee—

Implied contracts by mortgagor

- (a) that the interest which the mortgagor professes to transfer to the mortgagee subsists, and that the mortgagor has power to transfer the same,
- (b) that the mortgagor will defend, or, if the mortgagee be in possession of the mortgaged property, enable him to defend, the mortgagor's title thereto,
- (c) that the mortgagor will, so long as the mortgagee is not in possession of the mortgaged property, pay all public charges accruing due in respect of the property,
- (d) and, where the mortgaged property is a lease for a term of years, that the rent payable under the lease the conditions contained therein, and the contracts binding on the lessee have been paid, performed and observed down to the commencement of the mortgage, and that the mortgagor will, so long as the security exists and the mortgagee is not in possession of the mortgaged property, pay the rent reserved by the lease, or if the lease be renewed, the renewed

lease,

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Section 69.)

(b) where the mortgagee is deprived of the whole or part of his security by or in consequence of the wrongful act or default of the mortgagor :

(c) where, the mortgagee being entitled to possession of the property, the mortgagor fails to deliver the same to him, or to secure the possession thereof to him without disturbance by the mortgagor or any other person.

Where, by any cause other than the wrongful act or default of the mortgagor or mortgagee, the mortgaged property has been wholly or partially destroyed or the security is rendered insufficient as defined in section 66, the mortgagee may require the mortgagor to give him within a reasonable time another sufficient security for his debt, and if the mortgagor fails so to do, may sue him for the mortgage-money.

Power of sale
when valid.

69. A power conferred by the mortgage-deed on the mortgagee, or on any person on his behalf, to sell or concur in selling, in default of payment of the mortgage-money, the mortgaged property, or any part thereof without the intervention of the Court, is valid in the following cases ¹[and in no others], namely:—

(a) where the mortgage is an English mortgage, and neither the mortgagor nor the mortgagee is a Hindu, Muhammadan or Buddhist ¹[or a member of any other race, sect, tribe or class from time to time specified in this behalf by the Local Government with the previous sanction of the Governor General in Council, in the local official Gazette];

(b) where the mortgagee is the Secretary of State for India in Council;

(c) where

¹ These words were inserted by the Transfer of Property Act (1882) Amendment Act, 1893 (3 of 1893), s. 6. General Acts, Vol. V, Ed 1898, p. 8.

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Section 69.)

(c) where the mortgaged property or any part thereof is situate within the towns of Calcutta, Madras, Bombay, Karachi¹ [Raogoo, Moulmein, Bassein or Akyab].

But no such powers shall be exercised unless and until—

- (1) notice in writing requiring payment of the principal money has been served on the mortgagor, or on one of several mortgagors, and default has been made in payment of the principal money, or of part thereof, for three months after such service; or
- (2) some interest under the mortgage amounting at least to five hundred rupees is in arrear and unpaid for three months after becoming due.

When a sale has been made in professed exercise of such a power, the title of the purchaser shall not be impeachable on the ground that no case had arisen to authorize the sale, or that due notice was not given, or that the power was otherwise improperly or irregularly exercised; but any person damaged by an unauthorized or improper or irregular exercise of the power shall have his remedy in damages against the person exercising the power.

The money which is received by the mortgagee, arising from the sale, after discharge of prior incumbrances, if any, to which the sale is not made subject, or after payment into Court under section 57 of a sum to meet any prior incumbrance, shall, in the absence of a contract to the contrary, be held by him in trust to be applied by him, first, in payment of all costs, charges and expenses properly incurred by him as incident to the sale or any attempted sale; and, secondly, in discharge of the mortgage-money and costs

¹ Substituted for the words "or Rangoon," by s. 4 of the Transfer of Property (Amendment) Act, 1904 (6 of 1904).

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Sections 70-71.)

costs or other money, if any, due under the mortgage; and the residue of the money so received shall be paid to the person entitled to the mortgaged property or authorized to give receipts for the proceeds of the sale thereof.

Nothing in the former part of this section applies to powers conferred before this Act comes into force.

The powers and provisions contained in section 6 to 19 (both inclusive) of the Trustees and Mortgagees' Powers Act, 1866,¹ shall be deemed to apply to English mortgages, wherever in British India the mortgaged property may be situate, when neither the mortgagor nor the mortgagee is a Hindu, Muhammadan or Buddhist, ²[or a member of any other race, sect, tribe or class from time to time specified in this behalf by the Local Government, with the previous sanction of the Governor General in Council, in the local official Gazette]

Accession
to mortgaged
property

70. If, after the date of a mortgage, any accession is made to the mortgaged property, the mortgagee, in the absence of a contract to the contrary, shall, for the purposes of the security, be entitled to such accession.

Illustrations

(a) A mortgages to B a certain field bordering on a river. The field is increased by alluvion. For the purposes of his security, B is entitled to the increase.

(b) A mortgages a certain plot of building land to B and afterwards erects a house on the plot. For the purposes of his security B is entitled to the house as well as the plot.

Renewal of
mortgaged
lease

71. When the mortgaged property is a lease for a term of years, and the mortgagor obtains a renewal of the lease, the mortgagee, in the absence of a contract to the contrary, shall, for the purposes of the security, be entitled to the new lease.

72. When

¹ General Acts, Vol. I, p. 611

² These words were inserted by the Transfer of Property Act (1882) Amendment Act, 1885 (3 of 1885), s. 5, General Acts, Vol. V, Ed. 1893, p. 3.

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Section 72.)

72. When, during the continuance of the mortgage, the mortgagee takes possession of the mortgaged property, he may spend such money as is necessary—

Rights of mortgagee in possession.

- (a) for the due management of the property and the collection of the rents and profits thereof ;
- (b) for its preservation from destruction, forfeiture or sale ;
- (c) for supporting the mortgagor's title to the property ;
- (d) for making his own title thereto good against the mortgagor ; and
- (e) when the mortgaged property is a renewable leasehold, for the renewal of the lease ;

and may, in the absence of a contract to the contrary, add such money to the principal money, at the rate of interest payable on the principal, and, where no such rate is fixed, at the rate of nine per cent. per annum.

Where the property is by its nature insurable, the mortgagee may also, in the absence of a contract to the contrary, insure and keep insured against loss or damage by fire the whole or any part of such property ; and the premiums paid for any such insurance shall be a charge on the mortgaged property, in addition to the principal money, with the same priority and with interest at the same rate. But the amount of such insurance shall not exceed the amount specified in this behalf in the mortgage-deed or (if no such amount is therein specified) two-thirds of the amount that would be required in case of total destruction to reinstate the property insured.

Nothing in this section shall be deemed to authorize the mortgagee to insure when an insurance of the property

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Sections 70-71.)

costs or other money, if any, due under the mortgage; and the residue of the money so received shall be paid to the person entitled to the mortgaged property or authorized to give receipts for the proceeds of the sale thereof.

Nothing in the former part of this section applies to powers conferred before this Act comes into force.

The powers and provisions contained in sections 6 to 19 (both inclusive) of the Trustees and Mortgagees' Powers Act, 1866,¹ shall be deemed to apply by English mortgages, wherever in British India the mortgaged property may be situate, when neither the mortgagor nor the mortgagee is a Hindu, Muslim, or Buddhist, for a member of any other race or religion. The mortgagee is bound to pay to the Government, with the previous sanction of the Local Government or General in Council, in the case of the registration of documents, a fee of such amount as may be specified in the rules made by the Government in that behalf, in respect of the property, all the rights and powers of the mortgagee, as such, to whom he has made such tender.

75. Every second or other subsequent mortgagee has, so far as regards redemption, foreclosure and sale of the mortgaged property, the same rights against the prior mortgagee or mortgagees as his mortgagor has against such prior mortgagee or mortgagees, and the same rights against the subsequent mortgagees (if any) as he has against his mortgagor.

76. When, during the continuance of the mortgage, the mortgagee takes possession of the mortgaged property,—

(a) he must manage the property, as a person of ordinary prudence would manage it if it were his own;

(b) he

¹ See the Indian Registration Act, 1877 (3 of 1877,) General Act, Vol III, Ed. 1928, p. 41

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Section 72.)

72. When, during the continuance of the mortgage, the mortgagee takes possession of the mortgaged property, he may spend such money as is necessary—

Rights of mortgagee in possession.

- (a) for the due management of the property and the collection of the rents and profits thereof ;
- (b) for its preservation from destruction, forfeiture or sale ;
- (c) for supporting the mortgagor's title to property ;
- (d) for making his own title thereto good as against the mortgagor ; and
- (e) when the mortgaged property is a leasehold, for deducting the payments due under the lease ; and (e) and the interest on and may, in the money ;
- (e) he must not commit any act which is destructive or permanently injurious to the property ;
- (f) where he has insured the whole or any part of the property against loss or damage by fire, he must, in case of such loss or damage, apply any money which he actually receives under the policy or so much thereof as may be necessary, in reinstating the property, or, if the mortgagor so directs, in reduction or discharge of the mortgage-money ;
- (g) he must keep clear, full and accurate accounts of all sums received and spent by him as mortgagee, and, at any time during the continuance of the mortgage, give the mortgagor, at his request and cost, true copies of such accounts and of the vouchers by which they are supported ;
- (h) his receipts from the mortgaged property, or, where such property is personally

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Sections 77-78.)

occupied by him, a fair occupation-rent in respect thereof, shall, after deducting the expenses mentioned in clauses (c) and (d), and interest thereon, be debited against him in reduction of the amount (if any) from time to time due to him on account of interest on the mortgage-money and, so far as such receipts exceed any interest due, in reduction or discharge of the mortgage-money; the surplus, if any, shall be paid to the mortgagor;

- (i) when the mortgagor tenders, or deposits in manner hereinafter provided, the amount for the time being due on the mortgage, the mortgagee must, notwithstanding the provisions in the other clauses of this section, account for his gross receipts from the mortgaged property from the date of the tender or from the earliest time when he could take such amount out of Court, as the case may be.

Loss occasioned by his default.

If the mortgagee fail to perform any of the duties imposed upon him by this section, he may, when accounts are taken in pursuance of a decree made under this chapter, be debited with the loss, if any, occasioned by such failure.

Receipts in lieu of interest.

77. Nothing in section 76, clauses (b), (d), (g) and (h), applies to cases where there is a contract between the mortgagor and the mortgagee that the receipts from the mortgaged property shall, so long as the mortgagee is in possession of the property, be taken in lieu of interest on the principal money, or in lieu of such interest and defined portions of the principal.

Priority.

Postponement of prior mortgage.

78. Where, through the fraud, misrepresentation or gross neglect of a prior mortgagee, another person

has

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Sections 79-81)

has been induced to advance money on the security of the mortgaged property, the prior mortgagee shall be postponed to the subsequent mortgagee.

79 If a mortgage made to secure future advances, the performance of an engagement or the balance of a running account, expresses the maximum to be secured thereby, a subsequent mortgage of the same property shall, if made with notice of the prior mortgage, be postponed to the prior mortgage in respect of all advances or debits not exceeding the maximum, though made or allowed with notice of the subsequent mortgage.

Mortgage to secure uncertain amount when maximum is expressed.

Illustration.

A mortgages Sultanpur to his bankers, B & Co, to secure the balance of his account with them to the extent of Rs. 10,000. A then mortgages Sultanpur to C, to secure Rs 10,000, C having notice of the mortgage to B & Co, and C gives notice to B & Co. of the second mortgage. At the date of the second mortgage, the balance due to B & Co does not exceed Rs 5,000. B & Co subsequently advance to A sums making the balance of the account against him exceed the sum of Rs. 10,000. B & Co. are entitled, to the extent of Rs 10,000, to priority over C.

80. No mortgagee paying off a prior mortgage, whether with or without notice of an intermediate mortgage, shall thereby acquire any priority in respect of his original security. And, except in the case provided for by section 79, no mortgagee making a subsequent advance to the mortgagor, whether with or without notice of an intermediate mortgage, shall thereby acquire any priority in respect of his security for such subsequent advance.

Tacking abolished.

Marshalling and Contribution.

81. If the owner of two properties mortgages them both to one person and then mortgages one of the properties to another person who has not notice of the former mortgage, the second mortgagee is, in the absence of a contract to the contrary, entitled to have

Marshalling securities.

Transfer of Property.

[ACT IV

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Sections 82-83.)

the debt of the first mortgagee satisfied out of the property not mortgaged to the second mortgagee so far as such property will extend, but not so as to prejudice the rights of the first mortgagee or of any other person having acquired for valuable consideration an interest in either property.

Contribution
to mortgagee
debt.

82. Where several properties, whether of one or several owners, are mortgaged to secure one debt, such properties are, in the absence of a contract to the contrary, liable to contribute rateably to the debt secured by the mortgage, after deducting from the value of each property the amount of any other incumbrance to which it is subject at the date of the mortgage.

Where, of two properties belonging to the same owner, one is mortgaged to secure one debt and then both are mortgaged to secure another debt, and the former debt is paid out of the former property, each property is, in the absence of a contract to the contrary, liable to contribute rateably to the latter debt after deducting the amount of the former debt from the value of the property out of which it has been paid.

Nothing in this section applies to a property liable under section 81 to the claim of the second mortgagee.

Deposit in Court.

Power to
deposit in
Court money
due on
mortgage.

83. At any time after the principal money has become payable and before a suit for redemption of the mortgaged property is barred, the mortgagor, or any other person entitled to institute such suit, may deposit, in any Court in which he might have instituted such suit, to the account of the mortgagee, the amount remaining due on the mortgage.

Right to
money

The Court shall thereupon cause written notice of the deposit to be served on the mortgagee, and the mortgagee

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Sections 84-86.)

mortgagee may, on presenting a petition (verified in manner prescribed by law¹ for the verification of complaints) stating the amount then due on the mortgage, and his willingness to accept the money so deposited in full discharge of such amount, and on depositing in the same Court the mortgage-deed if then in his possession or power, apply for and receive the money, and the mortgage-deed so deposited shall be delivered to the mortgagor or such other person as aforesaid.

deposited by
mortgagor.

84. When the mortgagor or such other person as aforesaid has tendered or deposited in Court under section 83 the amount remaining due on the mortgage, interest on the principal money shall cease from the date of the tender or as soon as the mortgagor or such other person as aforesaid has done all that has to be done by him to enable the mortgagee to take such amount out of Court, as the case may be.

Cessation of
interest.

Nothing in this section or in section 83 shall be deemed to deprive the mortgagee of his right to interest when there exists a contract that he shall be entitled to reasonable notice before payment or tender of the mortgage-money.

Suits for Foreclosure, Sale or Redemption.

85. Subject to the provisions of the Code of Civil Procedure, section 437,² all persons having an interest in the property comprised in a mortgage must be joined as parties in any suit under this Chapter relating to such mortgage: Provided that the plaintiff has notice of such interest.

Parties to
suits for
foreclosure,
sale and
redemption.

Foreclosure and Sale.

86. In a suit for foreclosure, if the plaintiff succeeds, the Court shall make a decree ordering that an account

Decree in
foreclosure-
suit.

¹ See the Code of Civil Procedure (Art 16 of 1857), ss. 51 and 52; General Acts, Ed. 1898, Vol. IV, see also in the revised edition as modified up to 1st December, 1899.

² See s. 437 of Art 16 of 1857.

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Section 87.)

account be taken of what will be due to the plaintiff for principal and interest on the mortgage, and for his costs of the suit, if any, awarded to him, on the day next hereinafter referred to, or declaring the amount so due at the date of such decree,

and ordering that, upon the defendant paying to the plaintiff or into Court the amount so due, on a day within six months from the date of declaring in Court the amount so due, to be fixed by the Court, the plaintiff shall deliver up to the defendant, or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall transfer the property to the defendant free from all incumbrances created by the plaintiff or any person claiming under him, or, where the plaintiff claims by derived title, by those under whom he claims; and shall, if necessary, put the defendant into possession of the property; but

that, if the payment is not made on or before the day to be fixed by the Court, the defendant shall be absolutely debarred of all right to redeem the property.

Procedure in
case of
payment of
amount due

87. If payment is made of such amount and of such subsequent costs as are mentioned in section 94, the defendant shall (if necessary) be put into possession of the mortgaged property.

Order
absolute for
foreclosure.

If such payment is not so made, the plaintiff may apply to the Court for an order that the defendant and all persons claiming through or under him be debarred absolutely of all right to redeem the mortgaged property, and the Court shall then pass such order, and may, if necessary, deliver possession of the property to the plaintiff:

Power to
enlarge time.

Provided that the Court may, upon good cause shown, and upon such terms, if any, as it thinks fit, from time to time postpone the day appointed for such payment.

On

On the passing of an order under the second paragraph of this section the debt secured by the mortgage shall be deemed to be discharged.

32. In the Code of Civil Procedure, Schedule IV, No 129, for the words "Final decree" the words "Decree absolute" shall be substituted.

88. In a suit for sale, if the plaintiff succeeds, the Court shall pass a decree to the effect mentioned in the first and second paragraphs of section 86, and also ordering that, in default of the defendant paying as therein mentioned, the mortgaged property or a sufficient part thereof be sold, and that the proceeds of the sale (after defraying thereout the expenses of the sale) be paid into Court and applied in payment of what is so found due to the plaintiff, and that the balance, if any, be paid to the defendant or other persons entitled to receive the same. Decree for sale.

In a suit for foreclosure, if the plaintiff succeeds and the mortgage is not a mortgage by conditional sale, the Court may, at the instance of the plaintiff, or of any person interested either in the mortgage-money or in the right of redemption, if it thinks fit, pass a like decree (in lieu of a decree for foreclosure) on such terms as it thinks fit, including, if it thinks fit, the deposit in Court of a reasonable sum, fixed by the Court, to meet the expenses of sale and to secure the performance of the terms. Power to decree sale in foreclosure suit

89. If in any case under section 88 the defendant pays to the plaintiff or into Court on the day fixed as aforesaid the amount due under the mortgage, the costs, if any, awarded to him and such subsequent costs as are mentioned in section 84, the defendant shall (if necessary) be put in possession of the mortgaged property, but in such payment is not so made, the plaintiff or the defendant, as the case may be, may apply to the Court for an order absolute for sale. Procedure when defendant pays amount due

of

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Sections 90-91.)

of the mortgaged property, and the Court shall then pass an order that such property, or a sufficient part thereof, be sold and that the proceeds of the sale be dealt with as is mentioned in section 88; and thereupon the defendant's right to redeem and the security shall both be extinguished.

Recovery of
balance due
on mortgage.

90. When the net proceeds of any such sale are insufficient to pay the amount due for the time being on the mortgage, if the balance is legally recoverable from the defendant otherwise than out of the property sold, the Court may pass a decree for such sum.

Redemption.

Who may
sue for
redemption.

91. Besides the mortgagor, any of the following persons may redeem, or institute a suit for redemption, of the mortgaged property:—

- (a) any person (other than the mortgagee of the interest sought to be redeemed), having any interest in or charge upon the property;
- (b) any person having any interest in or charge upon the right to redeem the property;
- (c) any surety for the payment of the mortgage-debt or any part thereof;
- (d) the guardian of the property of a minor mortgagor on behalf of such minor;
- (e) the committee or other legal curator of a lunatic or idiot mortgagor on behalf of such lunatic or idiot;
- (f) the judgment-creditor of the mortgagor, when he has obtained execution by attachment of the mortgagor's interest in the property;
- (g) a creditor of the mortgagor who has in a suit for the administration of his estate, obtained a decree for sale of the mortgaged property.

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Sections 92-93.)

92. In a suit for redemption, if the plaintiff succeeds, the Court shall pass a decree ordering—

Decree in redemption-suit.

that an account be taken of what will be due to the defendant for the mortgage-money and for his cost of the suit, if any, awarded to him, on the day next hereinafter referred to, or declaring the amount so due at the date of such decree ;

that, upon the plaintiff paying to the defendant or into Court the amount so due on a day within six months from the date of declaring in Court the amount so due to be fixed by the Court, the defendant shall deliver up to the plaintiff, or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall re-transfer it to the plaintiff free from the mortgage and from all incumbrances created by the defendant or any person claiming under him, or whom the defendant claims by derived title, by those under whom he claims, and shall, if necessary, put the plaintiff into possession of the mortgaged property ; and

that, if such payment is not made on or before the day to be fixed by the Court, the plaintiff shall (unless the mortgage be simple or usufructuary) be absolutely debarred of all right to redeem the property, or (unless the mortgage be by conditional sale) that the property be sold.

93. If payment is made of such amount and of such subsequent costs as are mentioned in section 91, the plaintiff shall, if necessary, be put into possession of the mortgaged property.

In case of redemption possession.

If such payment is not so made, the defendant may (unless the mortgage is simple or usufructuary) apply to the Court for an order that the plaintiff and all persons claiming through or under him be debarred absolutely of all right to redeem, or (unless the mortgage is by conditional sale) for an order that the mortgaged property be sold.

In default, foreclosure or sale.

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Sections 94-96.)

If he applies for the former order, the Court shall pass an order that the plaintiff and all persons claiming through or under him be absolutely debarred of all right to redeem the mortgaged property, and may, if necessary, deliver possession of the property to the defendant.

If he applies for the latter order, the Court shall pass an order that such property or a sufficient part thereof be sold, and that the proceeds of the sale (after defraying thereout the expenses of the sale) be paid into Court and applied in payment of what is found due to the defendant, and that the balance be paid to the plaintiff or other persons entitled to receive the same.

On the passing of any order under this section the plaintiff's right to redeem and the security shall, as regards the property affected by the order, both be extinguished:

Provided that the Court may, upon good cause shown, and upon such terms, if any, as it thinks fit, from time to time postpone the day fixed under section 92 for payment to the defendant.

94. In finally adjusting the amount to be paid to a mortgagee in case of a redemption or a sale by the Court under this Chapter, the Court shall, unless the conduct of the mortgagee has been such as to disentitle him to costs, add to the mortgage-money such costs of suit as have been properly incurred by him since the decree for foreclosure, redemption or sale up to the time of actual payment.

95. Where one of several mortgagors redeems the mortgaged property and obtains possession thereof, he has a charge on the share of each of the other co-mortgagors in the property for his proportion of the expenses properly incurred in so redeeming and obtaining possession.

Sale of property subject to prior Mortgage.

96. If any property the sale of which is directed under this Chapter is subject to a prior

Power to
enlarge
time.

Costs of
mortgagee
subsequent
to decree.

Charge of
one of
several
co-mort-
gagors who
redeems.

Sale of
property sub-

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Sections 97-98.)

the Court may, with the consent of the prior mortgagee, order that the property be sold free from the same, giving to such prior mortgagee the same interest in the proceeds of the sale as he had in the property sold.

97. Such proceeds shall be brought into Court and applied as follows:—

Application
of proceeds.

first, in payment of all expenses incident to the sale or properly incurred in any attempted sale;

secondly, if the property has been sold free from any prior mortgage, in payment of what-over is due on account of such mortgage;

thirdly, in payment of all interest due on account of the mortgage in consequence whereof the sale was directed, and of the costs of the suit in which the decree directing the sale was made;

fourthly, in payment of the principal money due on account of that mortgage; and

lastly, the residue (if any) shall be paid to the person proving himself to be interested in the property sold, or, if there be more such persons than one, then to such persons according to their respective interests therein or upon their joint receipt.

Nothing in this section or in section 96 shall be deemed to affect the powers conferred by section 57.

Anomalous Mortgages.

98. In the case of a mortgage not being a simple mortgage, a mortgage Mortgage not described in section 28, classes (b), (c), (d) and (e).
 tuary mortgage or an
 nation of the first and
 of such forms, the rights and liabilities of the parties shall be determined by their contract as evidenced in the

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Sections 94-96.)

If he applies for the former order, the Court shall pass an order that the plaintiff and all persons claiming through or under him be absolutely deborred of all right to redeem the mortgaged property, and may, if necessary, deliver possession of the property to the defendant.

If he applies for the latter order, the Court shall pass an order that such property or a sufficient part thereof be sold, and that the proceeds of the sale (after defraying thereout the expenses of the sale) be paid into Court and applied in payment of what is found due to the defendant, and that the balance be paid to the plaintiff or other persons entitled to receive the same.

On the passing of any order under this section the plaintiff's right to redeem and the security shall, as regards the property affected by the order, both be extinguished:

Provided that the Court may, upon good cause shown, and upon such terms, if any, as it thinks fit, from time to time postpone the day fixed under section 92 for payment to the defendant.

94. In finally adjusting the amount to be paid to a mortgagee in case of a redemption or a sale by the Court under this Chapter, the Court shall, unless the conduct of the mortgagee has been such as to disentitle him to costs, add to the mortgage-money such costs of suit as have been properly incurred by him since the decree for foreclosure, redemption or sale up to the time of actual payment.

95. Where one of several mortgagors redeems the mortgaged property and obtains possession thereof, he has a charge on the share of each of the other co-mortgagors in the property for his proportion of the expenses properly incurred in so redeeming and obtaining possession.

Sale of property subject to prior Mortgage.

96. If any property the sale of which is directed under this Chapter is subject to a prior mortgage, the

Power to
enlarge
time.

Costs of
mortgagee
subsequent
to decree.

Charge of
one of
several
co-mort-
gagors who
redeems.

Who if
property sub-

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Sections 97-98.)

the Court may, with the consent of the prior mortgagee, order that the property be sold free from the same, giving to such prior mortgagee the same interest in the proceeds of the sale as he had in the property sold. ject to prior mortgage.

97. Such proceeds shall be brought into Court and applied as follows:— Application of proceeds.

first, in payment of all expenses incident to the sale or properly incurred in any attempted sale;

secondly, if the property has been sold free from any prior mortgage, in payment of whatever is due on account of such mortgage;

thirdly, in payment of all interest due on account of the mortgage in consequence whereof the sale was directed, and of the costs of the suit in which the decree directing the sale was made;

fourthly, in payment of the principal money due on account of that mortgage; and

lastly, the residue (if any) shall be paid to the person proving himself to be interested in the property sold, or, if there be more such persons than one, then to such persons according to their respective interests therein or upon their joint receipt.

Nothing in this section or in section 96 shall be deemed to affect the powers conferred by section 57.

Anomalous Mortgages.

98. In the case of a mortgage not being a simple mortgage, a mortgage Mortgage not described in section 58, clauses 1, (b), (c), (d) and (e).
 tuary mortgage or another mortgage of the first and
 of such forms, the rights and liabilities of the parties shall be determined by their contract as evidenced in

(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Sections 99-101.)

the mortgage-deed, and, so far as such contract does not extend, by local usage.

Attachment of Mortgaged Property.

Attachment
of mortgaged
property.

99. Where a mortgagee in execution of a decree for the satisfaction of any claim, whether arising under the mortgage or not, attaches the mortgaged property, he shall not be entitled to bring such property to sale otherwise than by instituting a suit under section 67, and he may institute such suit notwithstanding anything contained in the Code of Civil Procedure, section 43.¹ XI

Charges.

Charges.

100. Where immoveable property of one person is by act of parties or operation of law made security for the payment of money to another, and the transaction does not amount to a mortgage, the latter person is said to have a charge on the property; and all the provisions hereinbefore contained as to a mortgagor shall, so far as may be, apply to the owner of such property, and the provisions of sections 81 and 82 and all the provisions hereinbefore contained as to a mortgagee instituting a suit for the sale of the mortgaged property shall, so far as may be, apply to the person having such charge.

Nothing in this section applies to the charge of a trustee on the trust-property for expenses properly incurred in the execution of his trust.

Extinguish-
ment of
charges.

101. Where the owner of a charge or other incumbrance on immoveable property is or becomes absolutely entitled to that property, the charge or incumbrance shall be extinguished, unless he declares, by express words or necessary implication, that it shall continue to subsist, or such continuance would be for his benefit.

Notice

¹ See now s. 43 of Act 14 of 1892, General Acts, Ed. 1898, Vol. IV.

*(Chapter IV.—Of Mortgages of Immoveable Property and Charges.—Sections 102-103.)**Notice and Tender.*

102. Where the person on or to whom any notice or tender is to be served or made under this Chapter does not reside in the district in which the mortgaged property or some part thereof is situate, service or tender on or to an agent holding a general power-of-attorney from such person or otherwise duly authorized to accept such service or tender shall be deemed sufficient.

Service or
tender on or
to agent.

Where the person or agent on whom such notice should be served cannot be found in the said district, or is unknown to the person required to serve the notice, the latter person may apply to any Court in which a suit might be brought for redemption of the mortgaged property, and such Court shall direct in what manner such notice shall be served, and any notice served in compliance with such direction shall be deemed sufficient.

Where the person or agent to whom such tender should be made cannot be found within the said district, or is unknown to the person desiring to make the tender, the latter person may deposit in such Court as last aforesaid the amount sought to be tendered, and such deposit shall have the effect of a tender of such amount.

103. Where, under the provisions of this Chapter, a notice is to be served on or by, or a tender or deposit made or accepted or taken out of Court by any person incompetent to contract, such notice may be served, or tender or deposit made, accepted or taken, by the legal curator of the property of such person; but where there is no such curator, and it is requisite or desirable in the interests of such person that a notice should be served or a tender or deposit made under the provision of this Chapter, application may be made to any Court in which a suit might be brought for the redemption of the mortgage to appoint a guardian

Notice, etc.,
to or by
person
incompetent
to contract.

(Chapter IV.—Of Mortgages of Immoveable Property and Charges—Section 104 Chapter V.—Of Leases of Immoveable Property.—Section 105.)

guardian *ad litem* for the purpose of serving or receiving service of such notice, or making or accepting such tender, or making or taking out of Court such deposit, and for the performance of all consequential acts which could or ought to be done by such person if he were competent to contract¹, and the provisions of Chapter XXXI of the Code of Civil Procedure² shall, so far as may be, apply to such application and to the parties thereto and to the guardian appointed thereunder.

Power to
make rules

104. The High Court may, from time to time, make rules consistent with this Act for carrying out, in itself and in the Courts of Civil Judicature subject to its superintendence, the provisions contained in this Chapter.

CHAPTER V.

OF LEASES OF IMMOVEABLE PROPERTY.

Lease
defined.

105. A lease of immoveable property, is a transfer of a right to enjoy such property, made for a certain time, express or implied, or in perpetuity, in consideration of a price paid or promised, or of money, a share of crops, service or any other thing of value, to be rendered periodically or on specified occasions to the transferor by the transferee, who accepts the transfer on such terms.

Lessor,
lessee,
premium
and rent
defined

The transferor is called the lessor, the transferee is called the lessee, the price is called the premium, and

the

¹ As to persons competent to contract see ss. 11 and 12 of the Indian Contract Act, 1872 (9 of 1872), General Acts Vol. II, E.D. 1878 See also now the revised edition of this Act, as modified up to 1st September, 1890 with footnotes brought down up to the 30th June 1901

² See now Chapter XXXI of Act 11 of 1832, General Acts, E.D. 1893, Vol. IV, and the revised edition as modified up to 1st December 1899

³ For rules made by—

(1) the High Court at Bombay, see Bombay Government Gazette, 1901 L. L. P. 1001;

(2) the Chief Court of Burma, see Burma Gazette, 1901, Pt. IV, p. 437.

the money, share, service or other thing to be so rendered is called the rent

106. In the absence of a contract or local law or usage to the contrary, a lease of immoveable property for agricultural or manufacturing purposes shall be deemed to be a lease from year to year, terminable, on the part of either lessor or lessee, by six months' notice expiring with the end of a year of the tenancy, and a lease of immoveable property for any other purpose shall be deemed to be a lease from month to month, terminable, on the part of either lessor or lessee, by fifteen days' notice expiring with the end of a month of the tenancy

Duration certain in absence of written contract local use.

Every notice under this section must be in writing signed by or on behalf of the person giving it, and tendered or delivered either personally to the party who is intended to be bound by it, or to one of his family or servants at his residence, or (if such tender or delivery is not practicable) affixed to a conspicuous part of the property

¹ 107. A lease of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent, can be made only by a registered instrument

Leases how made

² [All other leases of immoveable property may be made either by a registered instrument or by oral agreement accompanied by delivery of possession

Provided that the Local Government may, with the previous sanction of the Governor General in Council, from time to time, by notification ³ in the local

¹ As to limitation to the territorial operation of s. 107 see s. 1 supra
S. 107 extends to every instrument

supra
35

s. 5

instrument or by oral agreement

by an

³ For instance of such notification in Lower Burma, see Burma Gazette, 1907, Pt. I, p. 226.

(Chapter V.—Of Leases of Immoveable Property.—
Section 108.)

local official Gazette, direct that leases of immoveable property, other than leases from year to year, or for any term exceeding one year, or reserving a yearly rent, or any class of such leases, may be made by unregistered instrument or by oral agreement without delivery of possession.]

108. In the absence of a contract or local usage to the contrary, the lessor and the lessee of immoveable property, as against one another, respectively, possess the rights and are subject to the liabilities mentioned in the rules next following, or such of them as are applicable to the property leased:—

Rights and
liabilities of
lessor and
lessee.

(A) *Rights and Liabilities of the Lessor.*

(a) The lessor is bound to disclose to the lessee any material defect in the property, with reference to its intended use, of which the former is and the latter is not aware, and which the latter could not with ordinary care discover:

(b) the lessor is bound on the lessee's request to put him in possession of the property:

(c) the lessor shall be deemed to contract with the lessee that, if the latter pays the rent reserved by the lease and performs the contracts binding on the lessee, he may hold the property during the time limited by the lease without interruption.

The benefit of such contract shall be annexed to and go with the lessee's interest as such, and may be enforced by every person in whom that interest is for the whole or any part thereof from time to time vested.

(B) *Rights and Liabilities of the Lessee.*

(d) If during the continuance of the lease any accession is made to the property, such accession (subject to the law relating to alluvion for the time being in force) shall be deemed to be comprised in the lease:

(e) if

*(Chapter V.—Of Leases of Immoveable Property.—
Section 108.)*

(e) if by fire, tempest or flood, or violence of an army or of a mob or other irresistible force, any material part of the property be wholly destroyed or rendered substantially and permanently unfit, for the purposes for which it was let, the lease shall, at the option of the lessee, be void :

Provided that, if the injury be occasioned by the wrongful act or default of the lessee, he shall not be entitled to avail himself of the benefit of this provision :

(f) if the lessor neglects to make, within a reasonable time after notice, any repairs which he is bound to make to the property, the lessee may make the same himself, and deduct the expense of such repairs with interest from the rent, or otherwise recover it from the lessor :

(g) if the lessor neglects to make any payment which he is bound to make, and which, if not made by him, is recoverable from the lessee or against the property, the lessee may make such payment himself, and deduct it with interest from the rent, or otherwise recover it from the lessor :

(h) the lessee may remove, at any time during the continuance of the lease, all things which he has attached to the earth : provided he leaves the property in the state in which he received it :

(i) when a lease of uncertain duration determines by any means except the fault of the lessee, he or his legal representative is entitled to all the crops planted or sown by the lessee and growing upon the property when the lease determines, and to free ingress and egress to gather and carry them :

(j) the lessee may transfer absolutely or by way of mortgage or sub-lease the whole or any part of his interest in the property, and any transferee of such interest or part may again transfer it. The lessor shall not, by reason only of such transfer, cease to be subject to any of the liabilities attaching to the lease :

Transfer of Property. [ACT IV
(Chapter V.—Of Leases of Immoveable Property.—
Section 108.)

nothing in this clause shall be deemed to authorise a tenant having an untransferable right of occupancy, the farmer of an estate in respect of which default has been made in paying revenue, or the lessee of an estate under the management of a Court of Wards, to assign his interest as such tenant, farmer or lessee :

(k) the lessee is bound to disclose to the lessor any fact as to the nature or extent of the interest which the lessee is about to take, of which the lessee is, and the lessor is not, aware, and which materially increases the value of such interest :

(l) the lessee is bound to pay or tender, at the proper time and place, the premium or rent to the lessor or his agent in this behalf :

(m) the lessee is bound to keep, and on the termination of the lease to restore, the property in as good condition as it was in at the time when he was put in possession, subject only to the changes caused by reasonable wear and tear or irresistible force, and to allow the lessor and his agents, at all reasonable times during the term, to enter upon the property and inspect the condition thereof and give or leave notice of any defect in such condition ; and, when such defect has been caused by any act or default on the part of the lessee, his servants or agents, he is bound to make it good within three months after such notice has been given or left :

(n) if the lessee becomes aware of any proceeding to recover the property or any part thereof, or of any encroachment made upon, or any interference with, the lessor's rights concerning such property, he is bound to give, with reasonable diligence, notice thereof to the lessor .

(o) the lessee may use the property and its products (if any) as a person of ordinary prudence would use them if they were his own ; but he must not use, or permit another to use, the property for a purpose other than that for which it was leased, or sell timber,

(Chapter V.—Of Leases of Immoveable Property.—
Sections 109-110.)

pull down or damage buildings, work mines or quarries not open when the lease was granted, or commit any other act which is destructive or permanently injurious thereto :

(p) he must not, without the lessor's consent, erect on the property any permanent structure, except for agricultural purposes :

(q) on the determination of the lease, the lessee is bound to put the lessor into possession of the property.

109. If the lessor transfers the property leased, or any part thereof, or any part of his interest therein, the transferee, in the absence of a contract to the contrary, shall possess all the rights, and, if the lessee so elects, he subject to all the liabilities, of the lessor as to the property or part transferred so long as he is the owner of it; but the lessor shall not, by reason only of such transfer, cease to be subject to any of the liabilities imposed upon him by the lease, unless the lessee elects to treat the transferee as the person liable to him :

Right of
lessor's trans-
feree.

Provided that the transferee is not entitled to arrears of rent due before the transfer, and that, if the lessee, not having reason to believe that such transfer has been made, pays rent to the lessor, the lessee shall not be liable to pay such rent over again to the transferee.

The lessor, the transferee and the lessee may determine what proportion of the premium or rent reserved by the lease is payable in respect of the part so transferred, and, in case they disagree, such determination may be made by any Court having jurisdiction to entertain a suit for the possession of the property leased.

110. Where the time limited by a lease of immoveable property is expressed as commencing from a particular day, in computing that time such day shall be excluded. Where no day of commencement is

Exclusion of
day on which
term com-
mences.

named,

*(Chapter V.—Of Leases of Immoveable Property.—
Section 108.)*

nothing in this clause shall be deemed to authorise a tenant having an untransferable right of occupancy, the farmer of an estate in respect of which default has been made in paying revenue, or the lessee of an estate under the management of a Court of Wards, to assign his interest as such tenant, farmer or lessee :

(k) the lessee is bound to disclose to the lessor any fact as to the nature or extent of the interest which the lessee is about to take, of which the lessee is, and the lessor is not, aware, and which materially increases the value of such interest :

(l) the lessee is bound to pay or tender, at the proper time and place, the premium or rent to the lessor or his agent in this behalf :

(m) the lessee is bound to keep, and on the termination of the lease to restore, the property in as good condition as it was in at the time when he was put in possession, subject only to the changes caused by reasonable wear and tear or irresistible force, and to allow the lessor and his agents, at all reasonable times during the term, to enter upon the property and inspect the condition thereof and give or leave notice of any defect in such condition ; and, when such defect has been caused by any act or default on the part of the lessee, his servants or agents, he is bound to make it good within three months after such notice has been given or left :

(n) if the lessee becomes aware of any proceeding to recover the property or any part thereof, or of any encroachment made upon, or any interference with, the lessor's rights concerning such property, he is bound to give, with reasonable diligence, notice thereof to the lessor :

(o) the lessee may use the property and its products (if any) as a person of ordinary prudence would use them if they were his own ; but he must not use, or permit another to use, the property for a purpose other than that for which it was leased, or for a longer

pull

*(Chapter V.—Of Leases of Immoveable Property.—
Sections 109-110.)*

pull down or damage buildings, work mines or quarries not open when the lease was granted, or commit any other act which is destructive or permanently injurious thereto :

(p) he must not, without the lessor's consent, erect on the property any permanent structure, except for agricultural purposes :

(q) on the determination of the lease, the lessee is bound to put the lessor into possession of the property.

109. If the lessor transfers the property leased, or any part thereof, or any part of his interest therein, the transferee, in the absence of a contract to the contrary, shall possess all the rights, and, if the lessee so elects, be subject to all the liabilities, of the lessor as to the property or part transferred so long as he is the owner of it; but the lessor shall not, by reason only of such transfer, cease to be subject to any of the liabilities imposed upon him by the lease, unless the lessee elects to treat the transferee as the person liable to him :

Right of
lessor's trans-
feree.

Provided that the transferee is not entitled to arrears of rent due before the transfer, and that, if the lessee, not having reason to believe that such transfer has been made, pays rent to the lessor, the lessee shall not be liable to pay such rent over again to the transferee.

The lessor, the transferee and the lessee may determine what proportion of the premium or rent reserved by the lease is payable in respect of the part so transferred, and, in case they disagreed, such determination may be made by any Court having jurisdiction to entertain a suit for the possession of the property leased.

110. Where the time limited by a lease of immoveable property is expressed as commencing from a particular day, in computing that time such day shall be excluded. Where no day of commencement is

shall be
excluded

named

*(Chapter V.—Of Leases of Immoveable Property.—
Section 111.)*

named, the time so limited begins from the making of the lease.

Duration of
lease for a
year.

Where the time so limited is a year or a number of years, in the absence of an express agreement to the contrary, the lease shall last during the whole anniversary of the day from which such time commences.

Option to
determine
lease.

Where the time so limited is expressed to be terminable before its expiration, and the lease omits to mention at whose option it is so terminable, the lessee, and not the lessor, shall have such option.

Determina-
tion of lease.

111. A lease of immoveable property determines—

- (a) by efflux of the time limited thereby,
- (b) where such time is limited conditionally on the happening of some event—by the happening of such event:
- (c) where the interest of the lessor in the property terminates on, or his power to dispose of the same extends only to, the happening of any event—by the happening of such event:
- (d) in case the interests of the lessee and the lessor in the whole of the property become vested at the same time in one person in the same right:
- (e) by express surrender; that is to say, in case the lessee yields up his interest under the lease to the lessor, by mutual agreement between them:
- (f) by implied surrender:
- (g) by forfeiture; that is to say, (1) in case the lessee breaks an express condition which provides that on breach thereof the lessor may re-enter or the lease shall become void, or (2) in case the lessee renounces his character as such by setting up a title in a third person or by claiming title in himself;

(Chapter V.—Of Leases of Immovable Property—
Sections 112-113.)

himself; and in either case the lessor or his transferee does some act showing his intention to determine the lease:

- (h) on the expiration of a notice to determine the lease, or to quit, or of intention to quit, the property leased, duly given by one party to the other.

Illustration to clause (f).

A lessee accepts from his lessor a new lease of the property leased, to take effect during the continuance of the existing lease. This is an implied surrender of the former lease, and such lease determines thereupon.

112. A forfeiture under section 111, clause (g), is waived by acceptance of rent which has become due since the forfeiture, or by distress for such rent, or by any other act on the part of the lessor showing an intention to treat the lease as subsisting: Waiver of forfeiture.

Provided that the lessor is aware that the forfeiture has been incurred:

Provided also that, where rent is accepted after the institution of a suit to eject the lessee on the ground of forfeiture, such acceptance is not a waiver.

113. A notice given under section 111, clause (h), is waived, with the express or implied consent of the person to whom it is given, by any act on the part of the person giving it showing an intention to treat the lease as subsisting. Waiver of notice to quit.

Illustrations

(a) A, the lessor, gives B, the lessee, notice to quit the property leased. The notice expires. B tenders, and A accepts, rent which has become due in respect of the property since the expiration of the notice. The notice is waived.

(b) A, the lessor, gives B, the lessee notice to quit the property leased. The notice expires, and B remains in possession. A gives to B as lessee a second notice to quit. The first notice is waived.

114. Where

Transfer of Property.

[ACT IV

(Chapter V.—Of Leases of Immoveable Property.— Sections 114-116.)

Relief
against
forfeiture for
non-payment
of rent.

114. Where a lease of immoveable property has determined by forfeiture for non-payment of rent, and the lessor sues to eject the lessee, if, at the hearing of the suit, the lessee pays or tenders to the lessor the rent in arrear, together with interest thereon and his full costs of the suit, or gives such security as the Court thinks sufficient for making such payment within fifteen days, the Court may, in lieu of making a decree for ejectment, pass an order relieving the lessee against the forfeiture; and thereupon the lessee shall hold the property leased as if the forfeiture had not occurred.

Effect of
surrender
and forfeiture
on under-
leases

115. The surrender, express or implied, of a lease of immoveable property does not prejudice an under-lease of the property or any part thereof previously granted by the lessee, on terms and conditions substantially the same (except as regards the amount of rent) as those of the original lease; but, unless the surrender is made for the purpose of obtaining a new lease, the rent payable by, and the contracts binding on, the under-lessee shall be respectively payable to and enforceable by the lessor.

The forfeiture of such a lease annuls all such under-leases, except where such forfeiture has been procured by the lessor in fraud of the under-lessees, or relief against the forfeiture is granted under section 114.

Effect of
holding over.

116. If a lessee or under-lessee of property remains in possession thereof after the determination of the lease granted to the lessee, and the lessor or his legal representative accepts rent from the lessee or under-lessee, or otherwise assents to his continuing in possession, the lease is, in the absence of an agreement to the contrary, renewed from year to year, or from month to month, according to the purpose for which the property is leased, as specified in section 106.

Illustrations.

- (a) A lets a house to B for five years. B underlets the house

(Chapter V.—Of Leases of Immoveable Property.—
Section 117. Chapter VI.—Of Exchanges.—
Sections 118-119.)

house to C at a monthly rent of Rs. 100. The five years expire, but C continues in possession of the house and pays the rent to A. C's lease is renewed from month to month.

(b) A lets a farm to B for the life of C. C dies, but B continues in possession with A's assent. B's lease is renewed from year to year.

117. None of the provisions of this Chapter apply to leases for agricultural purposes, except in so far as the Local Government, with the previous sanction of the Governor General in Council, may by notification published in the local official Gazette declare all or any of such provisions to be so applicable '[in the case of all or any of such leases], together with, or subject to, those of the local law, if any, for the time being in force.

Exemption of leases for agricultural purposes.

Such notification shall not take effect until the expiry of six months from the date of its publication.

CHAPTER VI.

OF EXCHANGES.

118. When two persons mutually transfer the ownership of one thing for the ownership of another, neither thing or both things being money only, the transaction is called an "exchange."

"Exchange" defined.

A transfer of property in completion of an exchange can be made only in manner provided for the transfer of such property by sale.

119. In the absence of a contract to the contrary, the party deprived of the thing or part thereof he has received in exchange, by reason of any defect in the title of the other party, is entitled at his option to compensation or to the return of the thing transferred by him.

Right of party deprived of thing received in exchange.

120. Save

¹ These words were inserted by s. 6 of the Transfer of Property (Amendment) Act, 1904 (6 of 1904).

Transfer of Property.
(*The Schedule.*)

[ACT IV

THE SCHEDULE—*contd.*

Number and year.	Subject.	Extent of repeal.
(b) ACTS OF THE GOVERNOR GENERAL IN COUNCIL.		
IX of 1842	Lease and release .	The whole.
XXXI of 1854	Modes of conveying land	Section 17.
XI of 1855	Mesne profits and im- provements.	Section 1; in the title, the words "to mesne profits and," and in the preamble "to limit the liability for mesne profits and".
XXVII of 1860	Indian Trustee Act	Section 31.
IV of 1872 .	Punjab Laws Act	So far as it re- lates to Ben- gal Regula- tions I of 1793 and XVII of 1806.
XX of 1875	Central Provinces Laws Act.	So far as it re- lates to Ben- gal Regula- tions I of 1793 and XVII of 1806.
XVIII of 1876	Oudh Laws Act .	So far as it re- lates to Ben- gal Regula- tion XVII of 1806.

THE SCHEDULE—*concl'd.*

Number and year.	Subject.	Extent of repeal.
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(b) ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*concl'd.*

I of 1877 . . .	Specific Relief . . .	In sections 35 and 36, the words "in writing."
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(c) REGULATIONS.

Bengal Regulation I of 1793.	Conditional sales . . .	The whole Regulation.
Bengal Regulation XVII of 1806.	Redemption . . .	The whole Regulation.
Bombay Regulation V of 1827.	Acknowledgment of debts; Interest; Mortgagees in possession.	Section 15.

Transfer of Property.
(The Schedule.)

[ACT IV

THE SCHEDULE—*contd.*

Number and year.	Subject.	Extent of repeal.
(b) ACTS OF THE GOVERNOR GENERAL IN COUNCIL.		
IX of 1842	Lease and release	The whole.
XXXI of 1854	Modes of conveying land	Section 17.
XI of 1855	Mesne profits and improvements.	Section 1; in the title, the words "to mesne profits and," and in the preamble "to limit the liability for mesne profits and".
XXVII of 1866	Indian Trustees Act	Section 31.
IV of 1872	Punjab Laws Act	So far as it relates to Bengal Regulations I of 1798 and XVII of 1806.
XX of 1875	Central Provinces Laws Act.	So far as it relates to Bengal Regulations I of 1798 and XVII of 1806.
XVIII of 1876	Oudh Laws Act	So far as it relates to Bengal Regulation XVII of 1806.

THE SCHEDULE—*continued*.

Number and year.	Subject.	Initial of repeal.
(b) ACTS OF THE GOVERNOR GENERAL IN COUNCIL— <i>continued</i> .		
I of 1877 . . .	Specific Relief . . .	In sections 35 and 36, the words "in writing."

(c) REGULATIONS

Bengal Regulation I of 1798.	Conditional sales . . .	The whole Regulation.
Bengal Regulation XVII of 1800.	Redemption . . .	The whole Regulation.
Bombay Regulation V of 1827.	Acknowledgment of debts; Interest; Mortgagees in possession.	Section 15.

THE INDIAN OATHS ACT, 1873,
(ACT X OF 1873.)

AS MODIFIED UP TO THE 1ST FEBRUARY, 1903.

CALCUTTA :
OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.
1905.

CALCUTTA
GOVERNMENT OF INDIA CENTRAL PRINTING OFFICE,
8, BASTINGS STREET

STATEMENT OF REPEALS.

COMMENCEMENT CLAUSE, REPEALED BY	. . . . .	Act XII of 1876 (Schedule).
SECTION 2 AND SCHEDULE, REPEALED BY	. . . . .	Act XII of 1873 (Schedule).
EXPLANATION TO S. 7, REPEALED BY	. . . . .	Act VI of 1900, s. 48.

The following changes have been made in reprinting this Act :—

- (1) repealed matter has been omitted, explanatory notes being inserted ;
- (2) some foot-notes have been added for convenience of reference ;
- (3) the number and year of Acts occurring in the text have been noted in the inner margin ;
- (4) section-numbers occurring in the text have been printed in figures instead of in words

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Local extent.
- 2 Repeal of enactments.
3. Saving of certain oaths and affirmations.

II—Authority to administer Oaths and Affirmations

- 4 Authority to administer oaths and affirmations

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5. Oaths or affirmations to be made by—
witnesses;
interpreters;
jurors
- 6 Affirmation by Natives or by persons objecting to oaths

IV—Forms of Oaths and Affirmations

- 7 Forms of oaths and affirmations.
- 8 Power of Court to tender certain oaths
9. Court may ask party or witness whether he will make oath proposed by opposite party.
- 10 Administration of oath if accepted
11. Evidence conclusive as against person offering to be bound
12. Procedure in case of refusal to make oath

V—Miscellaneous

13. Proceedings and evidence not invalidated by omission of oath or irregularity
- 14 Persons giving evidence bound to state the truth
15. Amendment of Penal Code, sections 178 and 181
16. Official oaths abolished.

SCHEDULE—[*Repealed*]

ACT No. X OF 1873.¹

[8th April, 1873.]

An Act to consolidate the law relating to Judicial Oaths, and for other purposes.

(As modified up to the 1st February, 1908)

WHEREAS it is expedient to consolidate the law relating to judicial oaths, affirmations and declarations, and to repeal the law relating to official oaths, affirmations and declarations; It is hereby enacted as follows:—

Preamble

I.—Preliminary.

1. This Act may be called the Indian Oaths Act, 1873.

Short title.

It extends to the whole of British India, and, so far as regards subjects of Her Majesty, to the territories of Native Princes and States in alliance with Her Majesty;

Local extent

[Commencement.]

¹ For Statement of Objects and Reasons, see Gazette of India, 1873, Pt V, p 17, for Proceedings in Council, see *ibid.*, 1873, Supplement, p 889 *ibid.*, 1873, Supplement, pp 2, 222, 224 to 226, 227, 228 and 229, *ibid.*

[Commencement] *Rep. by the Repealing Act, 1876*
(XII of 1876).

2. [*Repeal of enactments.*] *Rep. by the Repealing Act, 1873* (XII of 1873).

Saving of
certain oaths
and affirma-
tions.

3. Nothing herein contained applies to proceed-
ings before Courts Martial,¹ or to oaths, affirmations
or declarations prescribed by any law which, under
the provisions of the Indian Councils Act, 1861,² the
Governor General in Council has not power to repeal. 21 A
Vict.

II.—*Authority to administer Oaths and Affirmations.*

Authority to
administer
oaths and
affirmations.

4. The following Courts and persons are author-
ized to administer, by themselves or by an officer em-
powered by them in this behalf, oaths and affirma-
tions in discharge of the duties or in exercise of the
powers imposed or conferred upon them respectively
by law:—

- ✓ (a) all Courts and persons having by law or con-
sent of parties authority to receive evidence;
(b) the Commanding Officer of any military
station occupied by troops in the service of
Her Majesty:

Provided—

It has further been declared, by notification under s. 3 (a) of the
Scheduled Districts Act, 1874 (XIV of 1874), to be in force in the following
Scheduled Districts, namely—

The Districts of Hazaribagh,
Lohardaga and Mikabhan,
and Pargana Dhalbhum
and the Kolhan in the
District of Singhbhum. The
District of Lohardaga then
included the Palaman
District, separated in 1894.
Lohardaga is now called
the Ranchi District, *Cal-
cutta Gazette, 1899, Pt. I,*
p. 44

See Gazette of India, 1891,
Pt. I, p. 501.

The United Provinces Terai . *See Gazette of India, 1870, Pt. I,*
p. 505.

The Scheduled Districts in
Gangam and Vizagapatam *See Fort St. George Gazette,*
1808, Pt. I, p. 600, and Gazette
of India, 1898, Pt. I, p. 869.

It has been extended, under s. 5 of the same Act, to the Scheduled
Districts of Coimbatore, Malabar, Mysore, and Nizam's.

as m edition
(XX t, 1869
of 1837), General Acts, Vol. V. (XIV

¹ Collection of Statutes relating to India, Vol. I, Ed 1890, p. 341.

Provided—

- (1) that the oath or affirmation be administered within the limits of the station, and
- (2) that the oath or affirmation be such as a Justice of the Peace is competent to administer in British India.

III.—Persons by whom Oaths or Affirmations must be made.

5. Oaths or affirmations shall be made by the following persons:—

- (a) all witnesses, that is to say, all persons who may lawfully be examined, or give, or be required to give, evidence by or before any Court or person having by law or consent of parties authority to examine such persons or to receive evidence;
- (b) interpreters of questions put to, and evidence given by, witnesses; and
- (c) jurors.

Oaths or affirmations to be made by—
witnesses;

interpreters;

jurors.

Nothing herein contained shall render it lawful to administer, in a criminal proceeding, an oath or affirmation to the accused person, or necessary to administer to the official interpreter of any Court, after he has entered on the execution of the duties of his office, an oath or affirmation that he will faithfully discharge those duties.

6. Where the witness, interpreter or juror is a Hindu or Muhammadan,
or has an objection to making an oath,
he shall, instead of making an oath, make an affirmation.

Affirmation by Natives or by persons objecting to oaths.

In every other case the witness, interpreter or juror shall make an oath.

IV.—Forms of Oaths and Affirmations.

7. All oaths and affirmations made under section 5 shall

Forms of oaths and affirmations

shall be administered according to such forms as the High Court may from time to time prescribe¹.

And until any such forms are prescribed by the High Court, such oaths and affirmations shall be administered according to the forms now in use.

* * * * *

Power of
Court to
tender cert in
oaths

8. If any party to, or witness in, any judicial proceeding offers to give evidence on oath or solemn affirmation in any form common amongst, or held binding by, persons of the race or persuasion to which he belongs, and not repugnant to justice or decency, and not purporting to affect any third person, the Court may, if it thinks fit, notwithstanding anything heretofore contained, tender such oath or affirmation to him.

Court may
ask party or
witness
whether he
will make
oath proposed
by opp site
party.

9. If any party to any judicial proceeding offers to be bound by any such oath or solemn affirmation as is mentioned in section 8, if such oath or affirmation is made by the other party to, or by any witness in, such proceeding, the Court may, if it thinks fit, ask such party or witness, or cause him to be asked, whether or not he will make the oath or affirmation:

Provided that no party or witness shall be compelled to attend personally in Court solely for the purpose of answering such question.

Administra-
tion of oath
if accepted.

10. If such party or witness agrees to make such oath or affirmation, the Court may proceed to administer it, or, if it is of such a nature that it may be more conveniently made out of Court, the Court may

¹ For forms prescribed in—

Bombay	see Bombay Local Rules and Orders, Vol I, Ed. 1896, p xxxii.
Burma	see Burma Rules Manual, Ed. 1903.
Central Provinces . .	see Central Provinces Local Rules and Orders, Ed 1901, p 24.
Madras	see Madras Local Rules and Orders, Vol I, Ed 1901, p. 15.
Punjab	see Punjab Rules and Orders, Ed. 1902, p 69
United Provinces . .	see North-Western Provinces List of Local Rules and Orders, Ed. 1894, p 42.

² The explanation to a 7 was repealed by the Lower Burma Courts Act, 1900 (VI of 1900), s. 48.

may issue a commission to any person to administer it, and authorize him to take the evidence of the person to be sworn or affirmed and return it to the Court.

11. The evidence so given shall, as against the person who offered to be bound as aforesaid, be conclusive proof of the matter stated.

Evidence conclusive as against person offering to be bound

12. If the party or witness refuses to make the oath or solemn affirmation referred to in section 8, he shall not be compelled to make it, but the Court shall record, as part of the proceedings, the nature of the oath or affirmation proposed, the facts that he was asked whether he would make it, and that he refused it, together with any reason which he may assign for his refusal.

Procedure in case of refusal to make oath.

V.—Miscellaneous.

13. No omission to take any oath or make any affirmation, no substitution of any one for any other of them, and no irregularity whatever, in the form in which any one of them is administered, shall invalidate any proceeding or render inadmissible any evidence whatever, in or in respect of which such omission, substitution or irregularity took place, or shall affect the obligation of a witness to state the truth.

Proceedings and evidence not invalidated by omission of oath or irregularity.

14. Every person giving evidence on any subject before any Court or person hereby authorized to administer oaths and affirmations shall be bound to state the truth on such subject¹

Persons giving evidence bound to state the truth

15. The Indian Penal Code, sections 178 and 181, shall be construed as if, after the word "oath," the words "or affirmation" were inserted

Amendment of Penal Code, sections 178 and 181. Official oaths abolished.

16. Subject to the provisions of sections 3 and 5, no person appointed to any office shall, before entering on the execution of the duties of his office, be required to make any oath, or to make or subscribe any affirmation or declaration whatever.

SCHEDULE.

[Repealed by the Repealing Act, 1873 (XII of 1873).]

¹ Compare Act XLV of 1860, s 191. (For Act XLV of 1860, see the revised edition, as modified up to 1st April, 1903, published by the Legislative Department.)

shall be administered according to such forms as the High Court may from time to time prescribe¹.

And until any such forms are prescribed by the High Court, such oaths and affirmations shall be administered according to the forms now in use.

* * * * *

Power of
Court to
tender certain
oaths.

8. If any party to, or witness in, any judicial proceeding offers to give evidence on oath or solemn affirmation in any form common amongst, or held binding by, persons of the race or persuasion to which he belongs, and not repugnant to justice or decency, and not purporting to affect any third person, the Court may, if it thinks fit, notwithstanding anything hereinbefore contained, tender such oath or affirmation to him.

Court may
ask party or
witness
whether he
will make
oath proposed
by opposite
party.

9. If any party to any judicial proceeding offers to be bound by any such oath or solemn affirmation as is mentioned in section 8, if such oath or affirmation is made by the other party to, or by any witness in, such proceeding, the Court may, if it thinks fit, ask such party or witness, or cause him to be asked, whether or not he will make the oath or affirmation:

Provided that no party or witness shall be compelled to attend personally in Court solely for the purpose of answering such question.

Administra-
tion of oath
if accepted.

10. If such party or witness agrees to make such oath or affirmation, the Court may proceed to administer it, or, if it is of such a nature that it may be more conveniently made out of Court, the Court may

¹ For forms prescribed in—

Bombay	see Bombay Local Rules and Orders, Vol. I, 8d. 1896, p. xxxii.
Burma	see Burma Rules Manual, Ed. 1903.
Central Provinces . .	see Central Provinces Local Rules and Orders, Ed. 1904, p. 24.
Madras	see Madras Local Rules and Orders, Vol. I, Ed. 1901, p. 15.
Punjab	see Punjab Rules and Orders, Ed. 1902, p. 69.
United Provinces . .	see North-Western Provinces List of Local Rules and Orders, Ed. 1894, p. 42.

² The explanation to s. 7 was repealed by the Lower Burma Courts Act, 1900 (VI of 1900), s. 48.

may issue a commission to any person to administer it, and authorize him to take the evidence of the person to be sworn or affirmed and return it to the Court.

11. The evidence so given shall, as against the person who offered to be bound as aforesaid, be conclusive proof of the matter stated.

12. If the party or witness refuses to make the oath or solemn affirmation referred to in section 8, he shall not be compelled to make it, but the Court shall record, as part of the proceedings, the nature of the oath or affirmation proposed, the facts that he was asked whether he would make it, and that he refused it, together with any reason which he may assign for his refusal.

V.—Miscellaneous.

13. No omission to take any oath or make any affirmation, no substitution of any one for any other of them, and no irregularity whatever, in the form in which any one of them is administered, shall invalidate any proceeding or render inadmissible any evidence whatever, in or in respect of which such omission, substitution or irregularity took place, or shall affect the obligation of a witness to state the truth.

14. Every person giving evidence on any subject before any Court or person hereby authorized to administer oaths and affirmations shall be bound to state the truth on such subject.

1860. 15. The Indian Penal Code, sections 178 and 181, shall be construed as if, after the word "oath," the words "or affirmation" were inserted.

16. Subject to the provisions of sections 3 and 5, no person appointed to any office shall, before entering on the execution of the duties of his office, be required to make any oath, or to make or subscribe any affirmation or declaration whatever.

SCHEDULE.

... .. 1873 (XII of 1873).]

XLV of 1860, see the published by the Legis.

shall be administered according to such forms as the High Court may from time to time prescribe¹.

And until any such forms are prescribed by the High Court, such oaths and affirmations shall be administered according to the forms now in use.

* * * * *

Power of
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8. If any party to, or witness in, any judicial proceeding offers to give evidence on oath or solemn affirmation in any form common amongst, or held binding by, persons of the race or persuasion to which he belongs, and not repugnant to justice or decency, and not purporting to affect any third person, the Court may, if it thinks fit, notwithstanding anything hereinbefore contained, tender such oath or affirmation to him.

Court may
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by opp^{te} party.

9. If any party to any judicial proceeding offers to be bound by any such oath or solemn affirmation as is mentioned in section 8, if such oath or affirmation is made by the other party to, or by any witness in, such proceeding, the Court may, if it thinks fit, ask such party or witness, or cause him to be asked, whether or not he will make the oath or affirmation:

Provided that no party or witness shall be compelled to attend personally in Court solely for the purpose of answering such question.

Administra-
tion of oath
if accepted.

10. If such party or witness agrees to make such oath or affirmation, the Court may proceed to administer it, or, if it is of such a nature that it may be more conveniently made out of Court, the Court may

¹ For forms prescribed in—
Bombay

see Bombay Local Rules and Orders,
Vol I, Ed. 1896, p. xxxii.

Burma

see Burma Rules Manual, Ed. 1903.

Central Provinces

see Central Provinces Local Rules and
Orders, Ed. 1904, p. 24.

Madras

see Madras Local Rules and Orders,
Vol I, Ed. 1904, p. 15.

Punjab

see Punjab Rules and Orders, Ed. 1902,
p. 69.

United Provinces

see North-Western Provinces List of
Local Rules and Orders, Ed. 1894,
p. 42.

² The explanation to s 7 was repealed by the Lower Burma Courts Act, 1900 (VI of 1900), s. 48.

may issue a commission to any person to administer it, and authorize him to take the evidence of the person to be sworn or affirmed and return it to the Court.

11. The evidence so given shall, as against the person who offered to be bound as aforesaid, be conclusive proof of the matter stated.

12. If the party or witness refuses to make the oath or solemn affirmation referred to in section 8, he shall not be compelled to make it, but the Court shall record, as part of the proceedings, the nature of the oath or affirmation proposed, the facts that he was asked whether he would make it, and that he refused it, together with any reason which he may assign for his refusal.

Evidence conclusive as against person offering to be bound
Procedure in case of refusal to make oath.

V.—Miscellaneous.

13. No omission to take any oath or make any affirmation, no substitution of any one for any other of them, and no irregularity whatever, in the form in which any one of them is administered, shall invalidate any proceeding or render inadmissible any evidence whatever, in or in respect of which such omission, substitution or irregularity took place, or shall affect the obligation of a witness to state the truth.

Proceedings and evidence not invalidated by omission of oath or irregularity.

14. Every person giving evidence on any subject before any Court or person hereby authorized to administer oaths and affirmations shall be bound to state the truth on such subject¹

Persons giving evidence bound to state the truth

15. The Indian Penal Code, sections 178 and 181, shall be construed as if, after the word "oath," the words "or affirmation" were inserted

Amendment of Penal Code, sections 178 and 181
Official oaths abolished.

16. Subject to the provisions of sections 3 and 5, no person appointed to any office shall, before entering on the execution of the duties of his office, be required to make any oath, or to make or subscribe any affirmation or declaration whatever.

SCHEDULE.

[Repealed by the Repealing Act, 1873 (XII of 1873).]

¹ Compare Act XLV of 1860, s. 191. (For Act XLV of 1860, see the revised edition, as modified up to 1st April, 1903, published by the Legislative Department.)

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

THE SPECIFIC RELIEF ACT, 1877
(ACT No. I OF 1877),

AS MODIFIED UP TO THE 1st FEBRUARY, 1904.

CALCUTTA
SUPERINTENDENT GOVERNMENT PRINTING, INDIA
1908

[Price Eleven Annas.]

Calcutta
"GANDHIAN" GOVERNMENT PUBLISHING, INDIA
8 EAST END STREET

STATEMENT OF REPEALS

THE

PART	Act XII of 1891;
to cl (a) of s 12 REF (locally)	" " "
REF IN PAST	Act II of 1882, ss 1 & 2
ED AND LAST 37 WORDS DECLARED	Act IV of 1882 ss 1 & 2.
APPLY TO ANY SUBMISSION OR ARBI-	
TO WHICH THE INDIAN ARBITRATION	
(IX OF 1890) APPLIES	Act IX of 1890 ss 21 & 2 ver.

AS No changes have been made in reprinting the Act.—

When matter has been omitted, explanatory notes being inserted; or, where repeal is not of general application, it has been mentioned in a foot-note.

Some further foot-notes have been inserted for convenience of reference,

- (3) the number and year of Acts referred to in the text have been printed in the inner margin, except where both appear in the text,
- (4) the headings to the pages have been simplified

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OF SPECIFIC RELIEF

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(a) Possession of Immoveable Property

- 8 Recovery of specific immoveable property
9 Suit by person dispossessed of immoveable property

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- 10 Recovery of specific moveable property
11 Liability of person in possession, not as owner, to deliver to person entitled to immediate possession

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16. Specific performance of independent part of contract
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SCHEDULE

[ENACTMENTS REPEALED]

Repealed.

ACT No. 1 OF 1877.

[15th February, 1877.]

An Act to define and amend the law relating to certain kinds of Specific Relief.

[As modified up to the 1st February, 1901.]

WHEREAS it is expedient to define and amend the law relating to certain kinds of specific relief obtainable in civil suits; It is hereby enacted as follows —

PART I.

PRELIMINARY.

1. This Act may be called the Specific Relief Act, 1877 :

It

¹ For Statement of Objects and Reasons, see Gazette of India, 1875, Pt V p 253, for Report of the Select Committee, see *ibid*, 1876, Pt V p 1435, for discussions in Council, see *ibid*, 1875, Supplement, [p 61 and 1025, *ibid*, 1876, Supplement, p 1204, and *ibid*, 1877, Supplement, p 177.]

Act I of 1877 has been declared in force in Upper Burma generally (except the Shan States) by the Burma Laws Act, 1893 (XIII of 1893), s 4 (1), Burma Code Ed 1893.

It has been extended, by notification under s 6 of the Scheduled Districts Act, 1874, to the following Scheduled Districts, namely :—

The Scheduled Districts of the Punjab, including at the time districts which now form the North West Frontier Province . . .

Gazette of India, 1877, Pt I, p 662;

the Districts of Kamrup, Nagaong, Darrang, Sibsagar, Lakhimpur, Goalpara (excluding the Eastern Duars), Sylhet, and Kachar (excluding the North Kachar Hills) . . .

ib, 1877, Pt I, p 663;

the Districts of Hazaribagh, Lohardaga (including the present district of Palamu, separated in 1894) and Manbhum and Pargana Dhalbhum in the District of Singhbhum (the Lohardaga District is now called the Ranchi District, see Calcutta Gazette, 1899, Pt I, p 44) . . .

ib, 1878, Pt I, p 62,

Specific Relief.

[ACT I

SECTIONS.

- 46. Application how made
Procedure thereon.
Order in alternative
- 47. Peremptory order.
- 48. Execution of, and appeal from, orders
- 49. Costs.
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- 54. Perpetual injunctions when granted
- 55. Mandatory injunctions
- 56. Injunction when refused
- 57. Injunction to perform negative agreement

SCHEDULE

[ENACTMENTS REPEALED]

Repealed.

ACT No. I OF 1877.¹

[7th February, 1877.]

An Act to define and amend the law relating to certain kinds of Specific Relief.

[As modified up to the 1st February, 1904.]

WHEREAS it is expedient to define and amend ^{Preamble} the law relating to certain kinds of specific relief obtainable in civil suits, It is hereby enacted as follows —

PART I.

PRELIMINARY.

1. This Act may be called the Specific Relief ^{Short title} Act, 1877 :

It

¹For Statement of Objects and Reasons, see Gazette of India, 1875, Pt V p 258 for Report of the Select Committee, see *ibid*, 1876, Pt V p 1445, for discussions in Council see *ibid*, 1875, Supplement, pp 881 and 1025, *ibid* 1876 Supplement, p 1224, and *ibid*, 1877, Supplement, p 177

Act I of 1877 has been declared in force in Upper Burma generally (except the Shan States) by the Burma Laws Act, 1898 (XIII of 1898), s 4 (f), Burma Code, Ed 1899

It has been extended, by notification under s 5 of the Scheduled Districts Act, 1874, to the following Scheduled Districts, namely —

The Scheduled Districts of the Punjab, including at the time districts which now form the North West Frontier Province . . .

Gazette of India, 1877, Pt I, p 562.

the Districts of Kamrup, Naugong Darrang Sibsagar, Lakhimpur, Goalpara (excluding the Eastern Duars), Sylhet, and Kachar (excluding the North Kachar Hills) . . .

ib., 1877, Pt. I, p 662;

the Districts of Hazaribagh, Lohardaga (including the present district of Palamau, separated in 1834) and Manbhum and Pargana Dhalbhum in the District of Singhbhum (the Lohardaga District is now called the Ranchi District, see Calcutta Gazette, 1873, Pt. I, p 44) . . .

ib., 1873, Pt I, p 22;

(Part I.—Preliminary.—Section 9.)

Local extent

It extends to the whole of British India, except the Scheduled Districts as defined in Act No. XIV of 1874.¹

Commence-
ment

And it shall come into force on the first day of May, 1877.

2. [*Repeal of enactments.*] Rep., Act XII of 1891.

Interpreta-
tion clause.

3. In this Act, unless there be something repugnant in the subject or context,—

"obligation" includes every duty enforceable by law:

"trust" includes every species of express, implied or constructive fiduciary ownership:

"trustee" includes every person holding, expressly, by implication or constructively, a fiduciary character:

Illustrations.

(a) Z bequeaths land to A, "not doubting that he will pay thereout an annuity of Rs. 1,000 to B for his life." A accepts the bequest. A is a trustee, within the meaning of this Act, for B, to the extent of the annuity.

(b) A

the Scheduled Districts of the Central Provinces . . .	Gazette of India, 1879, Pt I, p 772,
Sin1	ib, 1880, Pt I, p 576.
Coorg	ib, 1882, Pt. I, p 217,
Western Jalpaiguri . . .	ib, 1882, Pt I, p 611;
that portion of the Jalpaiguri District, known as the Western Duars	ib, 1896, Pt I, p. 44;
Kumaon and Garhwal and the Tarai Parganas	ib, 1886, Pt I, p 452, and 1895, Pt. I, p 573
Ajmere and Merwara . . .	ib, 1897, Pt. I, p 1415

S 9 has been extended, by notification under s 5 of the Scheduled Districts Act, 1874, to the Taluqa Rampa Country (Gazette of Ind . . .

it had not already been extended.

S. 9 has been declared in force in British Baluchistan by the British Baluchistan Laws Regulation, 1900 (I of 1900) s. 3, Baluchistan Code, Ed 1900, p. 10.

¹ General Acts, Vol II, p. 467.

(Part I—Preliminary—Section 2)

(b) A is the legal, medical or other officer of B. By availing himself of his situation as such officer, A gains some pecuniary advantage which has not previously accrued to B. A is a trustee, for B, within the meaning of this Act, of such advantage.

(c) A, being B's banker, discloses for his private use the state of B's account. A is a trustee, within the meaning of this Act, for B, of the benefit gained by A in any means of such disclosure.

(d) A, the mortgagee of certain leased land, renews the lease in his own name. A is a trustee, within the meaning of this Act, of the renewed lease, for those interested in the original lease.

(e) A, one of several partners, is employed to purchase goods for the firm. A, unknown to his co-partners, sells them, at the market price, with goods previously bought by himself when the price was lower, and thus makes a considerable profit. A is a trustee, for his co-partners, within the meaning of this Act, of the profit so made.

(f) A, the manager of B's indigo factory, buys indigo seed for C, a vendor of indigo seed, and receives, without C's assent, commission on the seed purchased from C for the factory. A is a trustee, within the meaning of this Act, for B of the commission so received.

(g) A buys certain land with notice that B has already contracted to buy it. A is a trustee, within the meaning of this Act, for B, of the land so bought.

(h) A buys land from B, having notice that C is in occupation of the land. A omits to make any inquiry as to the nature of C's interest therein. A is a trustee, within the meaning of this Act, for C, to the extent of that interest.

1865. "Settlement" means any instrument (other than a will or codicil as defined by the Indian Succession Act) whereby the destination or devolution of successive interests in moveable or immoveable property is disposed of or is agreed to be disposed of

of 1872. and all words occurring in this Act, which are defined in the Indian Contract Act, 1872¹, shall be deemed to have the meanings respectively assigned to them by that Act. Words defined in Contract Act

4. Except

¹ General Acts Vol I p 468

² See the revised edition as modified up to 30th June 1901

(Part I.—Preliminary.—Sections 4-7. Part II.—Of Specific Relief.—Chapter I.—Of recovering Possession of Property.—Section 8.)

Savings

4. Except where it is herein otherwise expressly enacted, nothing in this Act shall be deemed—

- (a) to give any right to relief in respect of any agreement which is not a contract;
- (b) to deprive any person of any right to relief, other than specific performance, which he may have under any contract; or
- (c) to affect the operation of the Indian Registration Act¹ on documents.

Specific relief how given

5. Specific relief is given—

- (a) by taking possession of certain property and delivering it to a claimant;
- (b) by ordering a party to do the very act which he is under an obligation to do;
- (c) by preventing a party from doing that which he is under an obligation not to do;
- (d) by determining and declaring the rights of parties otherwise than by an award of compensation; or
- (e) by appointing a receiver.

Preventive relief.

6. Specific relief granted under clause (c) of section 5 is called preventive relief.

Relief not granted to enforce penal law

7. Specific relief cannot be granted for the mere purpose of enforcing a penal law.

PART II.

OF SPECIFIC RELIEF.

CHAPTER I.

OF RECOVERING POSSESSION OF PROPERTY.

(a) *Possession of Immoveable Property.*

Recovery of specific

8. A person entitled to the possession of specific immoveable

¹ See now the Registration Act, 1857 (III of 1857), as modified up to 1st August, 1905

(Part II.—Of Specific Relief.—Chapter I.—Of recovering Possession of Property.—Sections 9-10.)

immoveable property may recover it in the manner prescribed by the Code of Civil Procedure.¹ immoveable property.

‘9. If any person is dispossessed without his consent of immoveable property otherwise than in due course of law, he or any person claiming through him may, by suit * * *, recover possession thereof, notwithstanding any other title that may be set up in such suit. suit by person dispossessed of immoveable property.

Nothing in this section shall bar any person from suing to establish his title to such property and to recover possession thereof.

No suit under this section shall be brought against the Government.

No appeal shall lie from any order or decree passed in any suit instituted under this section, nor shall any review of any such order or decree be allowed.

(b) Possession of Moveable Property.

10. A person entitled to the possession of specific moveable property may recover the same in the manner prescribed by the Code of Civil Procedure.¹ Recovery of specific moveable property.

EXPLANATION 1.—A trustee may sue under this section for the possession of property to the beneficial interest in which the person for whom he is trustee is entitled.

EXPLANATION 2.—A special or temporary right to the present possession of property is sufficient to support a suit under this section.

Illustrations.

(a) A bequeaths land to B for his life, with remainder to C.

¹ See now Act XIV of 1832 as modified up to 1st December, 1899.

² But see as to tenancies in the Punjab, the Punjab Tenancy Act, 1867 (XVI of 1837), s. 51, Punjab Code, 1st 1903, p. 201.

³ The words “instituted within six months from the date of dispossession” were repealed by the Repealing and Amending Act, 1891 (XII of 1891).

(Part II.—Of Specific Relief.—Chapter I.—Of recovering Possession of Property.—Section 11.)

C. A dies. B enters on the land, but C, without B's consent, obtains possession of the title-deeds. B may recover them from C.

(b) A pledges certain jewels to B to secure a loan. B disposes of them before he is entitled to do so. A, without having paid or tendered the amount of the loan, sues B for possession of the jewels. The suit should be dismissed, as A is not entitled to their possession, whatever right he may have to secure their safe custody.

(c) A receives a letter addressed to him by B. B gets back the letter without A's consent. A has such a property therein as entitles him to recover it from B.

(d) A deposits books and papers for safe custody with B. B loses them and C finds them, but refuses to deliver them to B when demanded. B may recover them from C, subject to C's right, if any, under section 168 of the Indian Contract Act, 1872.¹

(e) A, a warehouse-keeper, is charged with the delivery of certain goods to Z, which B takes out of A's possession. A may sue B for the goods.

11. Any person having the possession or control of a particular article of moveable property, of which he is not the owner, may be compelled specifically to deliver it to the person entitled to its immediate possession, in any of the following cases:—

- (a) when the thing claimed is held by the defendant as the agent or trustee of the claimant;
- (b) when compensation in money would not afford the claimant adequate relief for the loss of the thing claimed;
- (c) when it would be extremely difficult to ascertain the actual damage caused by its loss;
- (d) when the possession of the thing claimed has been wrongfully transferred from the claimant.

Illustrations—

¹ See the revised edition as modified up to 30th June 1901

Liability of person in possession, not as owner, to deliver to person entitled to immediate possession.

(Part II—Of Specific Relief—Chapter II—Of the Specific Performance of Contracts.—Section 12)

Illustrations—

of clause (a)—

A, proceeding to Europe, leaves his furniture in charge of B as his agent during his absence. B, without A's authority, pledges the furniture to C, and C, knowing that B had no right to pledge the furniture, advertises it for sale. C may be compelled to deliver the furniture to A, for he holds it as A's trustee.

of clause (b)—

Z has got possession of an idol belonging to A's family, and of which A is the proper custodian. Z may be compelled to deliver the idol to A.

of clause (c)—

A is entitled to a picture by a dead painter and a pair of rare China vases. B has possession of them. The articles are of too special a character to bear an ascertainable market-value. B may be compelled to deliver them to A.

CHAPTER II

OF THE SPECIFIC PERFORMANCE OF CONTRACTS

(a) *Contracts which may be specifically enforced*

12. Except as otherwise provided in this Chapter the specific performance of any contract may in the discretion of the Court be enforced—

Cases in which specific performance enforceable

- (a) when the act agreed to be done is in the performance, wholly or partly, of a trust,
- (b) when there exists no standard for ascertaining the actual damage caused by the non performance of the act agreed to be done,
- (c) when the act agreed to be done is such that pecuniary compensation for its non performance would not afford adequate relief, or

(d) when

(Part II—Of Specific Relief—Chapter II.—Of the Specific Performance of Contracts—Sections 13-14.)

refuses to complete the sale B may compel A specifically to perform this agreement, for the shares are limited in number and not always to be had in the market, and their possession carries with it the status of a shareholder, which cannot otherwise be procured

A contracts with B to paint a picture for B, who agrees to pay therefor Rs 1,000 The picture is painted B is entitled to have it delivered to him on payment or tender of the Rs. 1,000

of clause (d)—

A transfers without endorsement, but for valuable consideration, a promissory note to B A becomes insolvent, and C is appointed his assignee B may compel C to endorse the note, for C has succeeded to A's liabilities and a decree for pecuniary compensation for not endorsing the note would be fruitless

1872 13. Notwithstanding anything contained in section 56 of the Indian Contract Act,¹ a contract is not wholly impossible of performance because a portion of its subject-matter, existing at its date, has ceased to exist at the time of the performance

Contracts of which the subject has partially ceased to exist

Illustrations

(a) A contracts to sell a house to B for a lakh of rupees The day after the contract is made, the house is destroyed by a cyclone B may be compelled to perform his part of the contract by paying the purchase-money

(b) In consideration of a sum of money payable by B, A contracts to grant an annuity to B for B's life The day after the contract has been made B is thrown from his horse and killed B's representative may be compelled to pay the purchase-money

14. Where a party to a contract is unable to perform the whole of his part of it, but the part which must be left unperformed bears only a small proportion to the whole in value, and admits of compensation in money, the Court may, at the suit of either party, direct the specific performance of so much of the contract as can be performed, and award compensation in money for the deficiency.

Specific performance of part of contract where part unperformed is small

Illustration.

¹ See the revised edition as modified up to 30th June, 1901

(Part II.—Of Specific Relief.—Chapter II.—Of the Specific Performance of Contracts.—Section 15.)

Illustrations.

(a) A contracts to sell B a piece of land consisting of 100 bighás. It turns out that 98 bighás of the land belong to A, and the two remaining bighás to a stranger, who refuses to part with them. The two bighás are not necessary for the use or enjoyment of the 98 bighás, nor so important for such use or enjoyment that the loss of them may not be made good in money. A may be directed at the suit of B to convey to B the 98 bighás and to make compensation to him for not conveying the two remaining bighás; or B may be directed, at the suit of A, to pay to A, on receiving the conveyance and possession of the land, the stipulated purchase-money, less a sum awarded as compensation for the deficiency.

(b) In a contract for the sale and purchase of a house and lands for two lakhs of rupees, it is agreed that part of the furniture should be taken at a valuation. The Court may direct specific performance of the contract notwithstanding the parties are unable to agree as to the valuation of the furniture, and may either have the furniture valued in the suit and include it in the decree for specific performance, or may confine its decree to the house.

15. Where a party to a contract is unable to perform the whole or his part of it, and the part which must be left unperformed forms a considerable portion of the whole, or does not admit of compensation in money, he is not entitled to obtain a decree for specific performance. But the Court may, at the suit of the other party, direct the party in default to perform specifically so much of his part of the contract as he can perform, provided that the plaintiff relinquishes all claim to further performance, and all right to compensation either for the deficiency, or for the loss or damage sustained by him through the default of the defendant.

Illustrations.

(a) A contracts to sell to B a piece of land consisting of 100 bighás. It turns out that 50 bighás of the land belong to A, and the other 50 bighás to a stranger, who refuses to part with them. A cannot obtain a decree against B for the specific performance of the contract; but if B is willing to pay the price agreed upon and to take the 50 bighás which

(Part II.—Of Specific Relief.—Chapter II.—Of the Specific Performance of Contracts.—Sections 16-18.)

which belong to A, waiving all right to compensation either for the deficiency or for loss sustained by him through A's neglect or default, B is entitled to a decree directing A to convey those 50 bighás to him on payment of the purchase-money.

(b) A contracts to sell to B an estate with a house and garden for a lakh of rupees. The garden is important for the enjoyment of the house. It turns out that A is unable to convey the garden. A cannot obtain a decree against B for the specific performance of the contract; but if B is willing to pay the price agreed upon, and to take the estate and house without the garden, waiving all right to compensation either for the deficiency or for loss sustained by him through A's neglect or default, B is entitled to a decree directing A to convey the house to him on payment of the purchase-money.

16. When a part of a contract which, taken by itself, can and ought to be specifically performed, stands on a separate and independent footing from another part of the same contract which cannot or ought not to be specifically performed, the Court may direct specific performance of the former part.

Specific performance of independent part of contract

17. The Court shall not direct the specific performance of a part of a contract except in cases coming under one or other of the following sections.

Bar in other cases of specific performance of contract

18. Where a person contracts to sell or let certain property, having only an imperfect title thereto, the purchaser or lessee (except as otherwise provided by this Chapter) has the following rights:—

Purchaser's rights against vend. or with im. perfect title.

- (a) if the vendor or lessor has subsequently to the sale or lease acquired any interest in the property, the purchaser or lessee may compel him to make good the contract out of such interest;
- (b) where the concurrence of other persons is necessary to validate the title, and they are bound to convey at the vendor's or lessor's request, the purchaser or lessee may compel him to procure such concurrence:

(c) where

(Part II—Of Specific Relief.—Chapter II.—Of the Specific Performance of Contracts.—Section 19.)

- (c) where the vendor professes to sell unencumbered property, but the property is mortgaged for an amount not exceeding the purchase-money, and the vendor has in fact only a right to redeem it, the purchaser may compel him to redeem the mortgage and to obtain a conveyance from the mortgagee;
- (d) where the vendor or lessor sues for specific performance of the contract, and the suit is dismissed on the ground of his imperfect title, the defendant has a right to a return of his deposit (if any) with interest thereon, to his costs of the suit, and to a lien for such deposit, interest and costs on the interest of the vendor or lessor in the property agreed to be sold or let.

Power to
award com-
pensation in
certain cases

19. Any person suing for the specific performance of a contract may also ask for compensation for its breach, either in addition to, or in substitution for, such performance.

If in any such suit the Court decides that specific performance ought not to be granted, but that there is a contract between the parties which has been broken by the defendant and that the plaintiff is entitled to compensation for that breach, it shall award him compensation accordingly.

If in any such suit the Court decides that specific performance ought to be granted, but that it is not sufficient to satisfy the justice of the case, and that some compensation for breach of the contract should also be made to the plaintiff, it shall award him such compensation accordingly.

Compensation awarded under this section may be assessed in such manner as the Court may direct

Explanation—The circumstance that the contract has become incapable of specific performance

does

1877.]

Specific Relief.

(Part II.—Of Specific Relief.—Chapter II.—Of the Specific Performance of Contracts.—Section 20.)

does not preclude the Court from exercising the jurisdiction conferred by this section.

Illustrations—

of the second paragraph—

A contracts to sell a hundred maunds of rice to B. B brings a suit to compel A to perform the contract or to pay compensation. The Court is of opinion that A has made a valid contract and has broken it, without excuse, to the injury of B, but that specific performance is not the proper remedy. It shall award to B such compensation as it deems just.

of the third paragraph—

A contracts with B to sell him a house for Rs. 1,000, the price to be paid and the possession given on the 1st January, 1877. A fails to perform his part of the contract, and B brings his suit for specific performance and compensation, which is decided in his favour on the 1st January, 1878. The decree may, besides ordering specific performance, award to B compensation for any loss which he has sustained by A's refusal.

of the Explanation—

A, a purchaser, sues B, his vendor, for specific performance of a contract for the sale of a patent. Before the hearing of the suit the patent expires. The Court may award A compensation for the non-performance of the contract, and may, if necessary, amend the plaint for that purpose.

A sues for the specific performance of a contract passed by the Directors of the railway company, in which he was entitled to have a share in the profits of the railway, and for compensation for the non-performance of the contract. All the shares had been allotted before the institution of the suit. The Court may, under this section, award A compensation for the non-performance.

20. A contract, otherwise proper to be specifically enforced, may be thus enforced, though a sum be named in it as the amount to be paid in case of its breach, and the party in default is willing to pay the same.

Illustration.

A contracts to grant B an under-lease of property held by A under C, and that he will apply to C for a license

art II.—Of Specific Relief.—Chapter II.—Of the Specific Performance of Contracts.—Section 21.)

[and the Indian Arbitration Act, 1899,]¹ no person is to refer [present or future differences]² to arbitration shall be specifically enforced; but if any person who has made such a contract and has refused to perform it sues in respect of any subject which he has contracted to refer, the existence of such contract shall bar the suit.

Illustrations—

to (a)—

A contracts to sell, and B contracts to buy, a lakh of rupees in the four per cent. loan of the Government of India:

A contracts to sell, and B contracts to buy, 40 chests of indigo at Rs. 1,000 per chest:

In consideration of certain property having been transferred by A to B, B contracts to open a credit in A's favour to the extent of Rs. 10,000, and to honour A's drafts to that amount.

The above contracts cannot be specifically enforced, for in the first and second both A and B, and in the third A, would be reimbursed by compensation in money.

to (b)—

A contracts to render personal service to B:

A contracts to employ B on personal service:

A, an author, contracts with B, a publisher, to complete literary work.

B cannot enforce specific performance of these contracts

A contracts to buy B's business at the amount of a valuation to be made by two valuers, one to be named by A and the other by B. A and B each name a valuer, but before a valuation is made A instructs his valuer not to proceed:

By -party entered into in Calcutta between A, ship, and B, the charterer, it is agreed that the

¹ s. 21 of the Indian Arbitration Act, 1899

² words "a controversy" by the s. 21

to any submission or arbitration Act, 1899 (IX of

(Part II.—Of Specific Relief.—Chapter II.—Of the Specific Performance of Contracts.—Section 21.)

necessary to the validity of the under-lease, and that, if the license is not procured, A will pay B Rs. 10,000. A refuses to apply for the license and offers to pay B the Rs. 10,000. B is nevertheless entitled to have the contract specifically enforced if C consents to give the license.

(b) *Contracts which cannot be specifically enforced.*

21. The following contracts cannot be specifically enforced :—

- (a) a contract for the non-performance of which compensation in money is an adequate relief;
- (b) a contract which runs into such minute or numerous details, or which is so dependent on the personal qualifications or volition of the parties, or otherwise from its nature is such, that the Court cannot enforce specific performance of its material terms;
- (c) a contract the terms of which the Court cannot find with reasonable certainty;
- (d) a contract which is in its nature revocable;
- (e) a contract made by trustees either in excess of their powers or in breach of their trust;
- (f) a contract made by or on behalf of a corporation or public company created for special purposes, or by the promoters of such company, which is in excess of its powers;
- (g) a contract the performance of which involves the performance of a continuous duty extending over a longer period than three years from its date;
- (h) a contract of which a material part of the subject-matter, supposed by both parties to exist, has, before it has been made, ceased to exist.

And, save as provided by the 'Code of Civil Procedure

(Part II.—Of Specific Relief.—Chapter II.—Of the Specific Performance of Contracts.—Section 21.)

cedure [and the Indian Arbitration Act, 1899,]¹ no contract to refer [present or future differences]² to arbitration shall be specifically enforced; ³but if any person who has made such a contract and has refused to perform it sues in respect of any subject which he has contracted to refer, the existence of such contract shall bar the suit.

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A contracts to buy B's business at the amount of a valuation to be made by two valuers, one to be named by A and the other by B. A and B each name a valuer, but before the valuation is made A instructs his valuer not to proceed:

By a charter-party entered into in Calcutta between A, the owner of a ship, and B, the charterer, it is agreed that the

¹ These words were added by s. 21 of the Indian Arbitration Act, 1899 (IX of 1899), General Acts, Vol. VII

² These words were substituted for the words "a controversy" by the Indian Arbitration Act, 1899 (IX of 1899), s. 21

³ These last 37 words of s. 21 do not apply to any submission or arbitration to which the provisions of the Indian Arbitration Act, 1899 (IX of 1899), apply, see s. 3 of that Act.

(Part II—Of Specific Relief—Chapter II—Of the Specific Performance of Contracts—Section 21)

the ship shall proceed to Rangoon, and there load a cargo of rice, and thence proceed to London, freight to be paid, one third on arrival at Rangoon, and two thirds on delivery of the cargo in London

A lets land to B and B contracts to cultivate it in a particular manner for three years next after the date of the lease

A and B contract that, in consideration of annual advances to be made by A, B will for three years next after the date of the contract grow particular crops on the land in his possession and deliver them to A when cut and ready for delivery

A contracts with B that, in consideration of Rs 1,000 to be paid to him by B, he will paint a picture for B

A contracts with B to execute certain works which the Court cannot superintend

A contracts to supply B with all the goods of a certain class which B may require

A contracts with B to take from B a lease of a certain house for a specified term, at a specified rent, 'if the drawing room is handsomely decorated' even if it is held to have so much certainty that compensation can be recovered for its breach

A contracts to marry B

The above contracts cannot be specifically enforced

in (c)—

A the owner of a refreshment room, contracts with B to give him accommodation there for the sale of his goods and to furnish him with the necessary appliances A refuses to perform his contract The case is one for compensation and not for specific performance, the amount and nature of the accommodation and appliances being undefined

to (d)—

A and B contract to become partners in a certain business, the contract not specifying the duration of the proposed partnership This contract cannot be specifically performed, for, if it were so performed, either A or B might at once dissolve the partnership

to (e)—

A is a trustee of land with power to lease it for seven years He enters into a contract with B to grant a lease of the land for seven years, with a covenant to renew the lease at the expiry of the term This contract cannot be specifically enforced

The

(Part II.—Of Specific Relief.—Chapter II.—Of the Specific Performance of Contracts.—Section 22.)

The Directors of a company have power to sell the concern with the sanction of a general meeting of the shareholders.

They contract to sell it without any such sanction. This contract cannot be specifically enforced.

Two trustees, A and B, empowered to sell trust-property worth a lakh of rupees, contract to sell it to C for Rs 30,000. The contract is so disadvantageous as to be a breach of trust. C cannot enforce its specific performance.

The promoters of a company for working mines contract that the company, when formed, shall purchase certain mineral property. They take no proper precautions to ascertain the value of such property, and in fact agree to pay an extravagant price therefor. They also stipulate that the vendors shall give them a bonus out of the purchase-money. This contract cannot be specifically enforced.

to (f)—

A company existing for the sole purpose of making and working a railway contracts for the purchase of a piece of land for the purpose of erecting a cotton mill thereon. This contract cannot be specifically enforced.

to (g)—

A contracts to let for twenty-one years to B the right to use such part of a certain railway made by A as was upon B's land, and that B should have a right of running carriages over the whole line on certain terms, and might require A to supply the necessary engine power, and that A should during the term keep the whole railway in good repair. Specific performance of this contract must be refused to B.

to (h)—

A contracts to pay an annuity to B for the lives of C and D. It turns out that, at the date of the contract, C, though supposed by A and B to be alive, was dead. The contract cannot be specifically performed.

(c) Of the Discretion of the Court

22. The jurisdiction to decree specific performance is discretionary, and the Court is not bound to grant such relief merely because it is lawful to do so, but the discretion of the Court is not arbitrary but sound and reasonable, guided by judicial principles and capable of correction by a Court of Appeal.

Discretion
as to decre-
ing specific
performance

(Part II—Of Specific Relief—Chapter II—Of the Specific Performance of Contracts—Section 21)

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Discretion as to decreeing specific performance
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contrary but

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(Part II—Of Specific Relief—Chapter II—Of the Specific Performance of Contracts—Section 22.)

The following are cases in which the Court may properly exercise a discretion not to decree specific performance :

I Where the circumstances under which the contract is made are such as to give the plaintiff an unfair advantage over the defendant, though there may be no fraud or misrepresentation on the plaintiff's part.

Illustrations

(a) A, a tenant for life of certain property, assigns his interest therein to B. C contracts to buy, and B contracts to sell, that interest. Before the contract is completed, A receives a mortal injury from the effects of which he dies the day after the contract is executed. If B and C were equally ignorant or equally aware of the fact, B is entitled to specific performance of the contract. If B knew the fact, and C did not, specific performance of the contract should be refused to B.

(b) A contracts to sell to B the interest of C in certain stock in trade. It is stipulated that the sale shall stand good even though it should turn out that C's interest is worth nothing. In fact, the value of C's interest depends on the result of certain partnership-accounts, on which he is heavily in debt to his partners. This indebtedness is known to A, but not to B. Specific performance of the contract should be refused to A.

(c) A contracts to sell, and B contracts to buy certain land. To protect the land from floods, it is necessary for its owner to maintain an expensive embankment. B does not know of this circumstance, and A conceals it from him. Specific performance of the contract should be refused to A.

(d) A's property is put up to auction. B requests C, A's attorney, to bid for him. C does this inadvertently and in good faith. The persons present, seeing the vendor's attorney bidding, think that he is a mere puffer and cease to compete. The lot is knocked down to B at a low price. Specific performance of the contract should be refused to B.

11. Where the performance of the contract would involve some hardship on the defendant which he did not foresee, whereas its non-performance would involve no such hardship on the plaintiff

*(Part II—Of Specific Relief—Chapter II—Of the Specific Performance of Contracts—Section 22)**Illustrations*

(e) A is entitled to some land under his father's will on condition that, if he sells it within twenty five years, half the purchase money shall go to B. A, forgetting the condition, contracts, before the expiration of the twenty five years, to sell the land to C. Here, the enforcement of the contract would operate so harshly on A, that the Court will not compel its specific performance in favour of C.

(f) A and B, trustees, join their beneficiary, C, in a contract to sell the trust estate to D, and personally agree to exonerate the estate from heavy incumbrances to which it is subject. The purchase money is not nearly enough to discharge those incumbrances though, at the date of the contract, the vendors believed it to be sufficient. Specific performance of the contract should be refused to D.

(g) A, the owner of an estate, contracts to sell it to B, and stipulates that he, A, shall not be obliged to define its boundary. The estate really comprises a valuable property, not known to either to be part of it. Specific performance of the contract should be refused to B, unless he waives his claim to the unknown property.

(h) A contracts with B to sell him certain land, and to make a road to it from a certain railway station. It is found afterwards that A cannot make the road without exposing himself to litigation. Specific performance of the part of the contract relating to the road should be refused to B, even though it may be held that he is entitled to specific performance of the rest with compensation for loss of the road.

(i) A, a lessee of mines, contracts with B, his lessor, that at any time during the continuance of the lease B may give notice of his desire to take the machinery and plant used in and about the mines and that he shall have the articles specified in his notice delivered to him at a valuation on the expiry of the lease. Such a contract might be most injurious to the lessee's business, and specific performance of it should be refused to B.

(j) A contracts to buy certain land from B. The contract is silent as to access to the land. No right of way to it can be shown to exist. Specific performance of the contract should be refused to B.

(k) A contracts with B to buy from B's manufactory and not elsewhere all the goods of a certain class used by A in his trade. The Court cannot compel B to supply the goods,

but if he does not supply them A may be ruined, unless he is allowed to buy them elsewhere. Specific performance of the contract should be refused to B.

III. Where the plaintiff has done substantial acts or suffered losses in consequence of a contract capable of specific performance.

A sells land to a railway-company, who contract to execute certain works for his convenience. The company take the land and use it for their railway. Specific performance of the contract to execute the works should be decreed in favour of A.

Who may obtain specific performance.

(a) any party thereto;

(c) where the contract is a settlement on marriage, or a compromise of doubtful rights between members of the same family, any person beneficially entitled thereunder:

3

(Part II—Of Specific Relief—Chapter II—Of the Specific Performance of Contracts—Section 25)

thereof (though not founded on any valuable consideration) had been made and was then in force

Illustrations—

to clause (a)—

A, in the character of agent for B, enters into an agreement with C to buy C's house. A is in reality acting not as agent for B but on his own account. A cannot enforce specific performance of this contract.

to clause (b)—

A contracts to sell B a house and to become tenant thereof for a term of fourteen years from the date of the sale at a specified yearly rent. A becomes insolvent. Neither he nor his assignee can enforce specific performance of the contract.

A contracts to sell B a house and garden in which there are ornamental trees, a material element in the value of the property as a residence. A, without B's consent, fells the trees. A cannot enforce specific performance of the contract.

A, holding land under a contract with B for a lease, commits waste, or treats the land in an unhusbandlike manner. A cannot enforce specific performance of the contract.

A contracts to let, and B contracts to take, an unfinished house. B contracting to finish the house and the lease to contain covenants on the part of A to keep the house in repair. B finishes the house in a very defective manner. He cannot enforce the contract specifically though A and B may sue each other for compensation for breach of it.

to clause (c)—

A contracts to let, and B contracts to take, a house for a specified term at a specified rent. B refuses to perform the contract. A thereupon sues for, and obtains, compensation for the breach. A cannot obtain specific performance of the contract.

25 A contract for the sale or letting of property, whether moveable or immovable, cannot be specifically enforced in favour of a vendor or lessor—

(a) who knowing himself not to have any title to the property, has contracted to sell or let the same,

(b) who

(Part II—Of Specific Relief—Chapter II.—Of the Specific Performance of Contracts—Section 26.)

- (b) who, though he entered into the contract believing that he had a good title to the property, cannot, at the time fixed by the parties or by the Court for the completion of the sale or letting, give the purchaser or lessee a title free from reasonable doubt;
- (c) who, previous to entering into the contract, has made a settlement (though not founded on any valuable consideration) or the subject-matter of the contract

Illustrations

(a) A, without C's authority, contracts to sell to B an estate which A knows to belong to C. A cannot enforce specific performance of this contract, even though C is willing to confirm it.

(b) A bequeaths his land to trustees, declaring that they may sell it with the consent in writing of B. B gives a general prospective assent in writing to any sale which the trustees may make. The trustees then enter into a contract with C to sell him the land. C refuses to carry out the contract. The trustees, as, in the absence of the title which they can give C is, as the law stands, not free from reasonable doubt.

(c) A, being in possession of certain land, contracts to sell it to Z. On enquiry it turns out that A claims the land as heir of B, who left the country several years before, and is generally believed to be dead, but of whose death there is no sufficient proof. A cannot compel Z specifically to perform the contract.

(d) A, out of natural love and affection, makes a settlement of certain property on his brothers and their issue, and afterwards enters into a contract to sell the property to a stranger. A cannot enforce specific performance of this contract so as to override the settlement and thus prejudice the interests of the persons claiming under it.

(f) *For whom Contracts cannot be specifically enforced, except with a Variation*

26. Where a plaintiff seeks specific performance of a contract in writing, to which the defendant sets

Non-enforcement except with variation.

(Part II.—Of Specific Relief.—Chapter II.—Of the Specific Performance of Contracts.—Section 26.)

up a variation, the plaintiff cannot obtain the performance sought, except with the variation so set up, in the following cases (namely) :—

- (a) where by fraud or mistake of fact the contract of which performance is sought is in terms different from that which the defendant supposed it to be when he entered into it,
- (b) where by fraud, mistake of fact, or surprise the defendant entered into the contract under a reasonable misapprehension as to its effect as between himself and the plaintiff;
- (c) where the defendant, knowing the terms of the contract and understanding its effect, has entered into it relying upon some misrepresentation by the plaintiff, or upon some stipulation on the plaintiff's part which adds to the contract, but which he refuses to fulfil;
- (d) where the object of the parties was to produce a certain legal result, which the contract as framed is not calculated to produce,
- (e) where the parties have, subsequently to the execution of the contract, contracted to vary it.

Illustrations—

(a) A, B and C sign a writing by which they purport to contract each to enter into a bond to D for Rs. 1,000. In a suit by D to make A, B and C separately liable each to the extent of Rs. 1,000, they prove that the word "each" was inserted by mistake, that the intention was that they should give a joint bond for Rs. 1,000. D can obtain the performance sought only with the variation thus set up.

(b) A sues B to compel specific performance of a contract in writing to buy a dwelling house. It proves that he assumed that the contract included an adjoining yard, and the contract was so framed as to leave it doubtful whether the

(Part II.—Of Specific Relief.—Chapter II.—Of the Specific Performance of Contracts.—Section 27.)

the yard was so included or not. The Court will refuse to enforce the contract, except with the variation set up by B.

(c) A contracts in writing to let to B a wharf, together with a strip of A's land delineated in a map. Before signing the contract, B proposed orally that he should be at liberty to substitute for the strip mentioned in the contract another strip of A's land of the same dimensions, and to this A expressly assented. B then signed the written contract. A cannot obtain specific performance of the written contract, except with the variation set up by B.

(d) A and B enter into negotiations for the purpose of securing land to B for his life, with remainder to his issue. They execute a contract, the terms of which are found to confer an absolute ownership on B. The contract so framed cannot be specifically enforced.

(e) A contracts in writing to let a house to B, for a certain term, at the rent of Rs. 100 per month, putting it first into tenantable repair. The house turns out to be not worth repairing, so, with B's consent, A pulls it down and erects a new house in its place: B contracting orally to pay rent at Rs. 120 per mensem. B then sues to enforce specific performance of the contract in writing. He cannot enforce it except with the variations made by the subsequent oral contract.

(g) *Against whom Contracts may be specifically enforced.*

27. Except as otherwise provided by this Chapter, specific performance of a contract may be enforced against—

(a) either party thereto;

(b) any other person claiming under him by a title arising subsequently to the contract, except a transferee for value who has paid his money in good faith and without notice of the original contract;

(c) any person claiming under a title which, though prior to the contract and known to the plaintiff, might have been displaced by the defendant;

(d) when

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(Part II—Of Specific Relief—Chapter II—Of the Specific Performance of Contracts—Section 27)

- (d) when a public company has entered into a contract and subsequently becomes amalgamated with another public company, the new company which arises out of the amalgamation,
- (e) when the promoters of a public company have, before its incorporation, entered into a contract, the company provided that the company has ratified and adopted the contract and the contract is warranted by the terms of the incorporation

Illustrations—
to clause (b)—

A contracts to convey certain land to B by a particular day. A dies intestate before that day without having conveyed the land. B may compel A's heir or other representative in interest to perform the contract specifically.

A contracts to sell certain land to B for Rs 5,000. A afterwards conveys the land for Rs 6,000 to C, who has notice of the original contract. B may enforce specific performance of the contract as against C.

A contracts to sell land to B for Rs 5,000. B takes possession of the land. Afterwards A sells it to C for Rs 6,000. C makes no inquiry of B relating to his interest in the land. B's possession is sufficient to affect C with notice of his interest and he may enforce specific performance of the contract against C.

A contracts, in consideration of Rs 1,000, to bequeath certain of his lands to B. Immediately after the contract A dies intestate, and C takes out administration to his estate. B may enforce specific performance of the contract against C.

A contracts to sell certain land to B. Before the completion of the contract, A becomes a lunatic and C is appointed his committee. B may specifically enforce the contract against C.

to clause (c)—

A, the tenant for life of an estate with remainder to B in due exercise of a power conferred by the settlement under which he is tenant for life, contracts to sell the estate to C, who has notice of the settlement. Before the sale is completed

(Part II.—Of Specific Relief.—Chapter II.—Of the Specific Performance of Contracts.—Section 28.)

pleted A dies. C may enforce specific performance of the contract against B.

A and B are joint tenants of land, his undivided moiety of which either may alien in his lifetime, but which, subject to that right, devolves on the survivor. A contracts to sell his moiety to C and dies. C may enforce specific performance of the contract against B.

(h) *Against whom Contracts cannot be specifically enforced.*

28. Specific performance of a contract cannot be enforced against a party thereto in any of the following cases :—

What parties cannot be compelled to perform

- (a) if the consideration to be received by him is so grossly inadequate, with reference to the state of things existing at the date of the contract, as to be either by itself or coupled with other circumstances evidence of fraud or of undue advantage taken by the plaintiff;
- (b) if his assent was obtained by the misrepresentation (whether wilful or innocent), concealment, circumvention or unfair practices, of any party to whom performance would become due under the contract, or by any promise of such party which has not been substantially fulfilled;
- (c) if his assent was given under the influence of mistake of fact, misapprehension or surprise : Provided that, when the contract provides for compensation in case of mistake, compensation may be made for a mistake within the scope of such provision, and the contract may be specifically enforced in other respects if proper to be so enforced.

Illustrations,

(Part II—Of Specific Relief—Chapter III—Of the Rectification of Instruments—Sections 32-34)

same the Court may in its discretion rectify the instrument so as to express that intention, so far as this can be done without prejudice to rights acquired by third persons in good faith and for value

Illustrations

(a) A, intending to sell to B his house and one of three godowns adjacent to it executes a conveyance prepared by B, in which, through B's fraud, all three godowns are included. Of the two godowns which were fraudulently included, B gives one to C and lets the other to D for a rent, neither C nor D having any knowledge of the fraud. The conveyance may, as against B and C, be rectified so as to exclude from it the godown given to C, but it cannot be rectified so as to affect D's lease.

(b) By a marriage settlement, A, the father of B, the intended wife, covenants with C, the intended husband, to pay to C, his executors, administrators and assigns, during A's life, an annuity of Rs 5,000. C dies insolvent and the official assignee claims the annuity from A. The Court, on finding it clearly proved that the parties always intended that this annuity should be paid as a provision for B and her children, may rectify the settlement and decree that the assignee has no right to any part of the annuity.

32. For the purpose of rectifying a contract in writing, the Court must be satisfied that all the parties thereto intended to make an equitable and conscientious agreement.

Presumption as to intention of parties

33. In rectifying a written instrument the Court may inquire what the instrument was intended to mean and what were intended to be its legal consequences and is not confined to the inquiry what the language of the instrument was intended to be.

Principles of rectification

34. A contract in writing may be first rectified and then if the plaintiff has so prayed in his plaint and the Court thinks fit, specifically enforced.

Specific enforcement of rectified contract.

Illustration

A contracts in writing to pay his attorney B a fixed sum in lieu of costs. The contract contains mistakes as to the name and rights of the client which, if construed

strictly,

(Part II.—Of Specific Relief.—Chapter IV.—Of the Rescission of Contracts.—Section 35.)

strictly, would exclude B from all rights under it. B is entitled, if the Court thinks fit, to have it rectified, and to an order for payment of the sum, as if at the time of its execution it had expressed the intention of the parties.

CHAPTER IV.

OF THE RESCISSION OF CONTRACTS.

When
rescission
may be
adjudged

35. Any person interested in a contract in writing¹ may sue to have it rescinded, and such rescission may be adjudged by the Court in any of the following cases, namely:—

- (a) where the contract is voidable or terminable by the plaintiff;
- (b) where the contract is unlawful for causes not apparent on its face, and the defendant is more to blame than the plaintiff;
- (c) where a decree for specific performance of a contract of sale, or of a contract to take a lease, has been made, and the purchaser or lessee makes default in payment of the purchase-money or other sums which the Court has ordered him to pay.

When the purchaser or lessee is in possession of the subject-matter, and the Court finds that such possession is wrongful, the Court may also order him to pay to the vendor or lessor the rents and profits, if any, received by him as such possessor.

In the same case, the Court may, by order in the suit in which the decree has been made and not complied with, rescind the contract, either so far as regards the party in default, or altogether, as the justice of the case may require.

Illustrations:—

¹ The words "in writing" are repealed wherever the Transfer of Property Act, 1922, is in force. See Act IV of 1922, ss. 1 and 2, as modified up to 1st December, 1936.

(Part II.—Of Specific Relief.—Chapter IV.—Of the Rescission of Contracts.—Sections 36-38. Chapter V.—Of the Cancellation of Instruments.—Section. 39.)

Illustrations—

to (a)—

A sells a field to B. There is a right of way over the field of which A has direct personal knowledge, but which he conceals from B. B is entitled to have the contract rescinded.

to (b)—

A, an attorney, induces his client B, a Hindu widow, to transfer property to him for the purpose of defrauding B's creditors. Here the parties are not equally in fault, and B is entitled to have the instrument of transfer rescinded.

36. Rescission of a contract in writing¹ cannot be adjudged for mere mistake, unless the party against whom it is adjudged can be restored to substantially the same position as if the contract had not been made. Rescission for mistake

37. A plaintiff instituting a suit for the specific performance of a contract in writing may pray in the alternative that if the contract cannot be specifically enforced, it may be rescinded and delivered up to be cancelled; and the Court, if it refuses to enforce the contract specifically, may direct it to be rescinded and delivered up accordingly. Alternative prayer for rescission in suit for specific performance.

38. On adjudging the rescission of a contract, the Court may require the party to whom such relief is granted to make any compensation to the other which justice may require. Court may require party rescinding to do equity.

CHAPTER V.

OF THE CANCELLATION OF INSTRUMENTS.

39. Any person against whom a written instrument is void or voidable, who has reasonable apprehension that such instrument, if left outstanding, may be enforced, may apply to the Court to have it cancelled. When cancell. may be ordered.

¹ The words "in writing" are repealed wherever the Transfer of Property Act, 1882, is in force. See Act IV of 1922, ss. 1 and 2, as modified up to 1st December, 1905.

(Part II—Of Specific Relief—Chapter V—Of the Cancellation of Instruments—Section 40)

may cause him serious injury, may sue to have it adjudged void or voidable, and the Court may, in its discretion, so adjudge it and order it to be delivered up and cancelled

If the instrument has been registered under the Indian Registration Act,¹ the Court shall also send a copy of its decree to the officer in whose office the instrument has been so registered, and such officer shall note on the copy of the instrument contained in his books the fact of its cancellation

Illustrations

(a) A, the owner of a ship, by fraudulently representing her to be seaworthy, induces B, an underwriter, to insure her B may obtain the cancellation of the policy.

(b) A conveys land to B, who bequeaths it to C and dies Thereupon D gets possession of the land and produces a forged instrument stating that the conveyance was made to B in trust for him C may obtain the cancellation of the forged instrument

(c) A representing that the tenants on his land were all at will sells it to B, and conveys it to him by an instrument, dated the 1st January, 1877 Soon after that day, A fraudulently grants to C a lease of part of the lands, dated the 1st October, 1876, and procures the lease to be registered under the Indian Registration Act¹ B may obtain the cancellation of this lease

(d) A agrees to sell and deliver a ship to B, to be paid for by B's acceptances of four bills of exchange, for sums amounting to Rs 30,000, to be drawn by A on B The bills are drawn and accepted, but the ship is not delivered according to the agreement A sues B on one of the bills B may obtain the cancellation of all the bills

40. Where an instrument is evidence of different rights or different obligations, the Court may, in a proper case cancel it in part and allow it to stand for the residue

Illustration

A draws a bill on B, who endorses it to C, by whom it appears to be endorsed to D, who endorses it to E C's endorsement

What instruments may be partially cancelled

¹ See now Act III of 1877 as modified up to 1st August 1905

(Part II.—Of Specific Relief—Chapter V.—Of the Cancellation of Instruments.—Section 41. Chapter VI.—Of Declaratory Decrees.—Section 42.)

endorsement is forged. C is entitled to have such endorsement cancelled, leaving the bill to stand in other respects.

41. On adjudging the cancellation of an instrument, the Court may require the party to whom such relief is granted to make any compensation to the other which justice may require.

Power to require party for whom instrument is cancelled to make compensation.

CHAPTER VI.¹

OF DECLARATORY DECREES.

42. Any person entitled to any legal character, or to any right as to any property, may institute a suit against any person denying, or interested to deny, his title to such character or right, and the Court may in its discretion make therein a declaration that he is so entitled, and the plaintiff need not in such suit ask for any further relief:

Discretion of Court as to declaration of status or right.

Provided that no Court shall make any such declaration where the plaintiff, being able to seek further relief than a mere declaration of title, omits to do so.

Bar to such declaration.

Explanation.—A trustee of property is a "person interested to deny" a title adverse to the title of some one who is not in existence, and for whom, if in existence, he would be a trustee.

Illustrations.

(a) A is lawfully in possession of certain land. The inhabitants of a neighbouring village claim a right of way across the land. A may sue for a declaration that they are not entitled to the right so claimed.

(b) A bequeaths his property to B, C and D, "to be equally divided amongst all and each of them, if living at the time of my death, then amongst their surviving children." No such children are in existence. In a suit against

A's

¹ As to the Punjab see also the Punjab Land Revenue Act, 1877 (XVII of 1877) s. 45, Punjab Code, Ed. 1903, p. 252

*(Part II—Of Specific Relief—Chapter VI—Of
Declaratory Decrees—Section 43)*

A's executor, the Court may declare whether B, C and D took the property absolutely, or only for their lives, and it may also declare the interests of the children before their rights are vested

(c) A covenants that, if he should at any time be entitled to property exceeding one lakh of rupees, he will settle it upon certain trusts. Before any such property accrues, or any persons entitled under the trusts are ascertained, he institutes a suit to obtain a declaration that the covenant is void for uncertainty. The Court may make the declaration.

(d) A alienates to B property in which A has merely a life interest. The alienation is invalid as against C, who is entitled as reversioner. The Court may in a suit by C against A and B declare that C is so entitled.

(e) The widow of a sonless Hindu alienates part of the property of which she is in possession as such. The person presumptively entitled to possess the property if he survive her may, in a suit against the alienee, obtain a declaration that the alienation was made without legal necessity and was therefore void beyond the widow's lifetime.

(f) A Hindu widow in possession of property adopts a son to her deceased husband. The person presumptively entitled to possession of the property on her death without a son may, in a suit against the adopted son, obtain a declaration that the adoption was invalid.

(g) A is in possession of certain property. B, alleging that he is the owner of the property, requires A to deliver it to him. A may obtain a declaration of his right to hold the property.

(h) A bequeaths property to B for his life, with remainder to B's wife and her children, if any, by B, but, if no children, to C. B has a putative wife and children, denies that B and D were ever married, and denies that B and D were ever children of B. B may, in B's lifetime, institute a suit against C and obtain therein a declaration that they are truly the wife and children of B.

Effect of
declaration

43. A declaration made under this Chapter is binding only on the parties to the suit, persons claiming through them respectively, and, where any of the parties are trustees, on the persons for whom, if in existence at the date of the declaration, such parties would be trustees.

Illustration

(Part II.—Of *Specific Relief*.—Chapter VII.—Of the Appointment of Receivers.—Section 44. Chapter VIII.—Of the Enforcement of Public Duties.—Section 45.)

Illustration.

A, a Hindu, in a suit to which B, his alleged wife, and her mother, are defendants, seeks a declaration that his marriage was duly solemnized and an order for the restitution of his conjugal rights. The Court makes the declaration and order. C, claiming that B is his wife, then sues A for the recovery of B. The declaration made in the former suit is not binding upon C.

CHAPTER VII.

OF THE APPOINTMENT OF RECEIVERS.

44. The appointment of a Receiver pending a suit is a matter resting in the discretion of the Court. Appointment of Receivers discretionary.

The mode and effect of his appointment, and his rights, powers, duties and liabilities, are regulated by the Code of Civil Procedure.¹ Reference to Code of Civil Procedure.

CHAPTER VIII.

OF THE ENFORCEMENT OF PUBLIC DUTIES.

45. Any of the High Courts of Judicature at Fort William, Madras and Bombay may make an order requiring any specific act to be done or forbore, within the local limits of its ordinary original civil jurisdiction, by any person holding a public office, whether of a permanent or a temporary nature, or by any corporation or inferior Court of Judicature. Power to order public servants and others to do certain specific acts.

Provided—

(a) that an application for such order be made by some person whose property, franchise or personal right would be injured by the forbearing or doing (as the case may be) of the said specific act;

(b) that

¹ See now Act XIV of 1822, as modified up to 1st December, 1877

(Part II—Of Specific Relief—Chapter VIII—
Of the Enforcement of Public Duties—Section
46)

(b) that such doing or forbearing is, under any law for the time being in force, clearly incumbent on such person or Court in his or its public character, or on such corporation in its corporate character,

(c) that in the opinion of the High Court such doing or forbearing is consonant to right and justice,

(d) that the applicant has no other specific and adequate legal remedy, and

(e) that the remedy given by the order applied for will be complete

Exemptions
from such
power

Nothing in this section shall be deemed to authorize any High Court—

(f) to make any order binding on the Secretary of State for India in Council, on the Governor General in Council, on the Governor of Madras in Council, on the Governor of Bombay in Council, or on the Lieutenant Governor of Bengal,

(g) to make any order on any other servant of the Crown, as such, merely to enforce the satisfaction of a claim upon the Crown or

(h) to make any order which is otherwise expressly excluded by any law for the time being in force

Application
how made

46. Every application under section 45 must be founded on an affidavit of the person injured, stating his right in the matter in question, his demand of justice and the denial thereof, and the High Court may, in its discretion, make the order applied for absolute in the first instance, or refuse it or grant a rule to show cause why the order applied for should not be made

Process thereon

Order in
alternative

If in the last case, the person, Court or corporation complained of shows no sufficient cause, the High

(Part II.—Of Specific Relief.—Chapter VIII.—Of the Enforcement of Public Duties.—Sections 47-51. Part III.—Of Preventive Relief.—Chapter IX.—Of Injunctions generally.—Section 52.)

High Court may first make an order in the alternative, either to do or forbear the act mentioned in the order, or to signify some reason to the contrary and make an answer thereto by such day as the High Court fixes in this behalf.

47. If the person, Court or corporation to whom or to which such order is directed makes no answer, or makes an insufficient or a false answer, the High Court may then issue a peremptory order to do or forbear the act absolutely. Peremptory order

48. Every order under this Chapter shall be executed, and may be appealed from, as if it were a decree made in the exercise of the ordinary original civil jurisdiction of the High Court. Execution of, and appeal from, orders

49. The costs of all applications and orders under this Chapter shall be in the discretion of the High Court. Costs

50. Neither the High Court nor any Judge thereof shall hereafter issue any writ of *mandamus*. Bar to issue of mandamus

51. Each of the said High Courts shall, as soon as conveniently may be, frame rules¹ to regulate the procedure under this Chapter; and, until such rules are framed, the practice of such Court as to applications for and grants of writs of *mandamus* shall apply, so far as may be practicable, to applications and orders under this Chapter. Power to frame rules

PART III.

OF PREVENTIVE RELIEF.

CHAPTER IX.

OF INJUNCTIONS GENERALLY.

52. Preventive relief is granted at the discretion of the Court by injunction, temporary or perpetual. Preventive relief how granted

53. Temporary

¹ For rules made by the High Court of Bombay under this section, see XXX of the Bombay High Court Rules, 1901, and in the Bombay Gazette, 1901, Pt. I, p. 170.

(Part II—Of Specific Relief—Chapter VIII—
Of the Enforcement of Public Duties—Section
46)

(b) that such doing or forbearing is, under any law for the time being in force, clearly incumbent on such person or Court in his or its public character, or on such corporation in its corporate character,

(c) that in the opinion of the High Court such doing or forbearing is consonant to right and justice,

(d) that the applicant has no other specific and adequate legal remedy, and

(e) that the remedy given by the order applied for will be complete

Nothing in this section shall be deemed to authorize any High Court—

(f) to make any order binding on the Secretary of State for India in Council, on the Governor General in Council, on the Governor of Madras in Council, on the Governor of Bombay in Council, or on the Lieutenant Governor of Bengal,

(g) to make any order on any other servant of the Crown, as such, merely to enforce the satisfaction of a claim upon the Crown or

(h) to make any order which is otherwise expressly excluded by any law for the time being in force

46. Every application under section 45 must be founded on an affidavit of the person injured, stating his right in the matter in question, his demand of justice and the denial thereof, and the High Court may, in its discretion, make the order applied for absolute in the first instance, or refuse it, or grant a rule to show cause why the order applied for should not be made

If in the last case, the person, Court or corporation complained of shows no sufficient cause the High

(Part II—Of Specific Relief.—Chapter VIII.—Of the Enforcement of Public Duties—Sections 47-51. Part III.—Of Preventive Relief.—Chapter IX—Of Injunctions generally—Section 52)

High Court may first make an order in the alternative, either to do or forbear the act mentioned in the order, or to signify some reason to the contrary and make an answer thereto by such day as the High Court fixes in this behalf.

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PART III.

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¹ For rules made by the High Court of Bombay under this section see Chap XXX of the Bombay High Court Rules published in the Bombay Government Gazette, 1901, Pt I, p 1750

(Part III—Of Preventive Relief—Chapter X—Of Perpetual Injunctions—Section 56)

acts which the Court is capable of enforcing, the Court may in its discretion grant an injunction to prevent the breach complained of, and also to compel performance of the requisite acts

Illustrations

(a) A, by new buildings, obstructs lights to the access and use of which B has acquired a right under the Indian Limitation Act,¹ Part IV. B may obtain an injunction, not only to restrain A from going on with the buildings, but also to pull down so much of them as obstructs B's lights

(b) A builds a house with eaves projecting over B's land. B may sue for an injunction to pull down so much of the eaves as so project

(c) In the case put as illustration (a) to section 54, the Court may also order all written communications made by B, as patient, to A, as medical adviser, to be destroyed

(d) In the case put as illustration (y) to section 54, the Court may also order A's letters to be destroyed

(e) A threatens to publish statements concerning B which would be punishable under Chapter XXI of the Indian Penal Code.² The Court may grant an injunction to restrain the publication, even though it may be shown not to be injurious to B's property

(f) A, being B's medical adviser, threatens to publish B's written communications with him, showing that B has led an immoral life. B may obtain an injunction to restrain the publication

(g) In the cases put as illustrations (i) and (iv) to section 54, and as illustrations (e) and (f) to this section, the Court may also order the copies produced by piracy, and the trade-marks, statements and communications, therein respectively mentioned, to be given up or destroyed

56. An injunction cannot be granted—

(a) to stay a judicial proceeding pending at the institution of the suit in which the injunction is sought, unless such restraint is necessary to prevent a multiplicity of proceedings,

(b) to

¹ See now Act XV of 1877 as modified up to 31st December 1900

² See Act XIV of 1860 as the revised Act as modified up to 1st April 1903

(Part III — Of Preventive Relief. — Chapter X — Of Perpetual Injunctions — Section 56)

- (b) to stay proceedings in a Court not subordinate to that from which the injunction is sought;
- (c) to restrain persons from applying to any legislative body;
- (d) to interfere with the public duties of any department of the Government of India or the Local Government, or with the sovereign acts of a Foreign Government;
- (e) to stay proceedings in any criminal matter;
- (f) to prevent the breach of a contract, the performance of which would not be specifically enforced;
- (g) to prevent, on the ground of nuisance, an act of which it is not reasonably certain that it will be a nuisance;
- (h) to prevent a continuing breach in which the applicant has acquiesced;
- (i) when equally efficacious relief can certainly be obtained by any other mode of proceeding, except in case of breach of trust;
- (j) when the conduct of the applicant or his agents has been such as to disentitle him to the assistance of the Court;
- (k) where the applicant has no personal interest in the matter.

Illustrations.

(a) A seeks an injunction to restrain his partner, B, from receiving the partnership-debts and effects. It appears that A had improperly possessed himself of the books of the firm and refused B access to them. The Court will refuse the injunction.

(b) A manufactures and sells crucibles, designating them as "patent plumbago crucibles," though in fact they have never been patented. B pirates the designation. A cannot obtain an injunction to restrain the piracy.

(Part III —Of Preventive Relief—Chapter X—Of Perpetual Injunctions—Section 57)

(c) A sells an article called "Mexican Balm," stating that it is compounded of divers rare essences, and has sovereign medicinal qualities. B commences to sell a similar article to which he gives a name and description such as to lead people into the belief that they are buying A's Mexican Balm. A sues B for an injunction to restrain the sale. B shows that A's Mexican Balm consists of nothing but scented hog's lard. A's use of his description is not an honest one and he cannot obtain an injunction.

57. Notwithstanding section 56, clause (f), where a contract comprises an affirmative agreement to do a certain act coupled with a negative agreement, express or implied, not to do a certain act, the circumstance that the Court is unable to compel specific performance of the affirmative agreement shall not preclude it from granting an injunction to perform the negative agreement provided that the applicant has not failed to perform the contract so far as it is binding on him.

Illustrations

(a) A contracts to sell to B for Rs. 1,000 the good will of a certain business unconnected with business premises, and further agrees not to carry on that business in Calcutta. B pays A the Rs. 1,000 but A carries on the business in Calcutta. The Court cannot compel A to send his customers to B but B may obtain an injunction restraining A from carrying on the business in Calcutta.

(b) A contracts to sell to B the good will of a business. A then sets up a similar business close by B's shop, and solicits his old customers to deal with him. This is contrary to his implied contract, and B may obtain an injunction to restrain A from soliciting the customers, and from doing any act whereby their good will may be withdrawn from B.

(c) A contracts with B to sing for twelve months at B's theatre and not to sing in public elsewhere. B cannot obtain specific performance of the contract to sing, but he is entitled to an injunction restraining A from singing at any other place of public entertainment.

(d) B contracts with A that he will serve him faithfully for twelve months as a clerk. A is not entitled to a decree for specific performance of this contract. But he is entitled to an injunction restraining B from serving a rival house as clerk.

(e) A

1877.]

Specific Relief.

*(Part III —Of Preventive Relief.—Chapter X.—Of
Perpetual Injunctions.—Section 67.)*

(c) A contracts with B that, in consideration of Rs. 1,000 to be paid to him by B on a day fixed, he will set up a certain business within a specified distance. B fails to pay the money. A cannot be restrained from carrying on the business within the specified distance.

SCHEDULE.

[ENACTMENTS REPEALED.]

Repealed by Act XII of 1891.

ACT No. VI of 1890.¹

[23 MARCH, 1890.]

An Act to provide for the Vesting and Administration of Property held in trust for charitable purposes.

[As modified up to the 1st August, 1909.]

WHEREAS it is expedient to provide for the vesting and administration of property held in trust for charitable purposes; It is hereby enacted as follows:—

1. (1) This Act may be called the Charitable Endowments Act, 1890.

Title, extent and commencement

(2) It extends to the whole of British India, inclusive of * * * * 2 British Baluchistan; and

(3) It shall come into force on the first day of October, 1890.

2. In this Act "charitable purpose" includes relief of the poor, education, medical relief and the advancement of any other object of general public utility, but does not include a purpose which relates exclusively to religious teaching or worship.

Definition.

3. (1) The Governor General in Council may appoint an officer of the Government by the name of his

Appointment and designation of office

office

1899,
n. 65,
and

The Act has been declared in force in Upper Burma (except the Shan States) by the Burma Laws Act, 1898 (XIII of 1898), Burma Code, Vol. 1899, p. 260.

p. 260.

45 L. D.

[Price two annas and six pies.]

(Sec. 4.)

Treasurer of office to be Treasurer of Charitable Endowments for Charitable the territories subject to any Local Government.¹
Endow-
ments

(2) Such Treasurer shall, for the purposes of taking, holding and transferring moveable or immoveable property under the authority of this Act, be a corporation sole by the name of the Treasurer of Charitable Endowments for the territories subject to the Local Government, and, as such Treasurer, shall have perpetual succession and a corporate seal, and may sue and be sued in his corporate name

Orders vest
ing property
in Treasurer

4. (1) Where any property is held or is to be applied in trust for a charitable purpose, the Local Government, if it thinks fit, may, on application made as hereinafter mentioned, and subject to the other provisions of this section, order, by ² notification in the official Gazette, that the property be vested in the Treasurer of Charitable Endowments on such terms as to the application of the property or the income thereof as may be agreed on between the Local Government and the person or persons making the application, and the property shall thereupon so vest accordingly.

(2) When any property has vested under this section in a Treasurer of Charitable Endowments, he is entitled to all documents of title relating thereto.

(3) A

¹ For officers appointed under the powers conferred by this section, see General Statutory Rules and Orders Vol III, Ed. 1907, p. 1259

For notification appointing the Accountant General, Punjab, to be the Treasurer of Charitable Endowments for the North West Frontier Province, see Gazette of India, 1901, Pt. I, p. 936

² For notifications issued under this section in conjunction with s. 5 for—

(1) Bengal, see Bengal Local Statutory Rules and Orders, Vol. II, Ed. 1903, p. 68

(2) Bombay, see Bombay List of Local Rules and Orders, Vol. I, Ed. 1896, pp. cxlii and cxliii

(3) Madras, see Madras List of Local Rules and Orders, Vol. I, Ed. 1907, pp. 91 to 93

(4) Punjab, see Punjab List of Local Rules and Orders, Ed. 1902, pp. 170 and 171

(5) The United Provinces of Agra and Oudh, see United Provinces List of Local Rules and Orders, Vol. I, Pt. 1, Ed. 1904, List

(3) pp. 150 to 150

See also note under s. 7 (1).

(Sec 5)

(3) A Local Government shall not make an order under sub section (1) for the vesting in a Treasurer of Charitable Endowments of any securities for money, except the following, namely —

- (a) promissory notes, debentures, stock and other securities of the Government of India, or of the United Kingdom of Great Britain and Ireland,
- (b) bonds debentures and annuities charged by the Imperial Parliament on the revenues of India,
- (c) stock or debentures of, or shares in, Railway or other Companies, the interest whereon has been guaranteed by the Secretary of State for India in Council,
- (d) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by an Act of a legislature established in British India,
- (e) a security expressly authorised by any order which the Governor General in Council may make in this behalf

(4) An order under this section vesting property in a Treasurer of Charitable Endowments shall not require or be deemed to require him to administer the property, or impose or be deemed to impose upon him the duty of a trustee with respect to the administration thereof

15 (1) On application made as hereinafter mentioned, and with the concurrence of the person or persons making the application, the Local Government, if it thinks fit, may settle a scheme for the administration of any property which has been or is to be vested in the Treasurer of Charitable Endowments, and may in such scheme appoint, by name or office, a person or persons,

*Scheme for
administration
of property
vested in the
Treasurer*

1 For notifications issued under this section and in conjunction with s 4 in different provinces see footnote to s 4 *supra*

(Sec. 6)

persons, not being or including such Treasurer, to administer the property.

(2) On application made as hereinafter mentioned, and with the concurrence of the person or persons making the application, the Local Government may, if it thinks fit, modify any scheme settled under this section or substitute another scheme in its stead

(3) A scheme settled, modified or substituted under this section shall, subject to the other provisions of this section, come into operation on a day to be appointed by the Local Government in this behalf, and shall remain in force so long as the property to which it relates continues to be vested in the Treasurer of Charitable Endowments or until it has been modified or another such scheme has been substituted in its stead

(4) Such a scheme, when it comes into operation, shall supersede any decree or direction relating to the subject matter thereof in so far as such decree or direction is in any way repugnant thereto, and its validity shall not be questioned in any Court, nor shall any Court give, in contravention of the provisions of the scheme or in any way contrary or in addition thereto, a decree or direction regarding the administration of the property to which the scheme relates

(5) In the settlement of such a scheme effect shall be given to the wishes of the author of the trust so far as they can be ascertained, and, in the opinion of the Local Government, effect can reasonably be given to them

(6) Where a scheme has been settled under this section for the administration of property not already vested in the Treasurer of Charitable Endowments, it shall not come into operation until the property has become so vested

Mode of
applying for
settling
orders and
schemes

6. (1) The application referred to in the two last foregoing sections must be made,—

(a) if the property is already held in trust for a charitable

(Secs. 7-8.)

charitable purpose, then by the person acting in the administration of the trust, or, where there are more persons than one so acting, then by those persons or a majority of them; and

(b) if the property is to be applied in trust for such a purpose, then by the person or persons proposing so to apply it.

(2) For the purpose of this section the executor or administrator of a ~~deceased trustee~~ of property held in trust for a charitable purpose shall be deemed to be a person acting in the ~~administration~~ of the trust.¹

7. (1) The Governor General in Council may¹ exercise all or any of the powers conferred on the Local Government by sections 4 and 5.

Exercise
Governor
General
Council
powers of
Local Government

(2) When the Governor General in Council has signified to the Local Government his intention of exercising any of those powers with respect to any property, that Government shall not, without his previous sanction, exercise them with respect thereto.

8. (1) Subject to the provisions of this Act, a Treasurer of Charitable Endowments shall not, as such Treasurer, act in the administration of any trust whereof any of the property is for the time being vested in him under this Act.

Bare trusteeship of Treasurer

(2) Such Treasurer shall keep a separate account of each property for the time being so vested in so far as the property consists of securities for money, and shall apply the property or the income thereof in accordance with the provision made in that behalf in the vesting order under section 4 or in the scheme, if any, under section 5, or in both those documents.

(3) In the case of any property so vested other than securities for money, such Treasurer shall, subject to any

¹ For notification in exercise of power conferred by s. 7 in connection with s. 4, as to the Indian People's Famine Trust and rules for the administration of the Fund see General Statutory Rules and Orders, Vol. III, pp 1259 to 1265.

any special order which he may receive from the authority by whose order the property became vested in him, permit the persons acting in the administration of the trust to have the possession, management and control of the property, and the application of the income thereof, as if the property had been vested in them

Annual
publication
of list of
properties
vested
in Treasurer

9. A Treasurer of Charitable Endowments shall cause to be published annually in the local official Gazette, at such time as the Local Government may direct a list of all properties for the time being vested in him under this Act and an abstract of all accounts kept by him under sub section (2) of the last foregoing section

Limitation
of functions
and powers
of Treasurer

10. (1) A Treasurer of Charitable Endowments shall always be a sole trustee and shall not as such Treasurer, take or hold any property otherwise than under the provisions of this Act, or subject to those provisions transfer any property vested in him except in obedience to a decree divesting him of the property, or in compliance with a direction in that behalf issuing from the authority by whose order the property became vested in him

(2) Such a direction may require the Treasurer to sell or otherwise dispose of any property vested in him and with the sanction of the authority issuing the direction, to invest the proceeds of the sale or other disposal of the property in any such security for money as is mentioned in section 4, sub section (3) clause (a) (b) (c), (d) or (e) or in the purchase of immovable property

(3) When a Treasurer of Charitable Endowments is divested by a direction of the Local Government or the Governor General in Council under this section, of any property it shall vest in the person or persons acting in the administration thereof and be held by him or them on the same trusts as those on which it was held by such Treasurer

11. If the office held by an officer of the Government who has been appointed to be a Treasurer of Charitable Endowments is abolished or its name is changed, the Governor General in Council may appoint the same or another officer of the Government by the name of his office to be such Treasurer, and thereupon the holder of the latter office shall be deemed for the purposes of this Act to be the successor in office of the holder of the former office.

Provision for continuance of office of Treasurer in certain contingencies.

12.¹ If by reason of an alteration of the limits of the territories subject to a Local Government, or for any other reason, it appears to the Governor General in Council that any property vested in a Treasurer of Charitable Endowments should be vested in another such Treasurer, he may direct that the property shall be so vested, and thereupon it shall vest in that other Treasurer and his successors as fully and effectually for the purposes of this Act as if it had been originally vested in him under this Act.

Transfer of property from one Treasurer to another.

13. The Governor General in Council may frame forms for any proceedings under this Act for which he considers that forms should be provided, and may make such rules consistent with this Act as he may deem expedient for—

Power to frame forms and make rules.

(a) prescribing the Local Government which is to exercise the powers conferred by this Act in the case of property which is, or is situated, in territories subject to two or more Local Governments;

(b) prescribing the fees to be paid to the Government in respect of any property vested under this Act in a Treasurer of Charitable Endowments;

(c) regulating

¹ For notification issued under this section, see *Punjab Local Government Rules and Orders*, Ed. 1902, p. 111.

² For rules made and forms prescribed under the powers conferred by this section, see *General Statutory Rules and Orders*, Vol. III, Pt. II, 1897, p. 1225, and *North-Western Provinces Gazette*, 1892, Pt. I, p. 1225.

(Secs. 9-10.)

any special order which he may receive from the authority by whose order the property became vested in him, permit the persons acting in the administration of the trust to have the possession, management and control of the property, and the application of the income thereof, as if the property had been vested in them.

Annual
publication
of list of
properties
vested
in Treasurer

9. A Treasurer of Charitable Endowments shall cause to be published annually in the local official Gazette, at such time as the Local Government may direct, a list of all properties for the time being vested in him under this Act and an abstract of all accounts kept by him under sub-section (2) of the last foregoing section.

Limitation
of functions
and powers
of Treasurer

10. (1) A Treasurer of Charitable Endowments shall always be a sole trustee, and shall not, as such Treasurer, take or hold any property otherwise than under the provisions of this Act, or, subject to those provisions, transfer any property vested in him except in obedience to a decree divesting him of the property, or in compliance with a direction in that behalf issuing from the authority by whose order the property became vested in him.

(2) Such a direction may require the Treasurer to sell or otherwise dispose of any property vested in him, and, with the sanction of the authority issuing the direction, to invest the proceeds of the sale or other disposal of the property in any such security for money as is mentioned in section 4, sub-section (3), clause (a), (b), (c), (d) or (e), or in the purchase of immoveable property.

(3) When a Treasurer of Charitable Endowments is divested, by a direction of the Local Government or the Governor General in Council under this section, of any property, it shall vest in the person or persons acting in the administration thereof and be held by him or them on the same trusts as those on which it was held by such Treasurer.

(Secs 11-13)

11. If the office held by an officer of the Government who has been appointed to be a Treasurer of Charitable Endowments is abolished or its name is changed, the Governor General in Council may appoint the same or another officer of the Government by the name of his office to be such Treasurer, and thereupon the holder of the latter office shall be deemed for the purposes of this Act to be the successor in office of the holder of the former office

Provision for continuance of office of Treasurer certain co 'ingencies

12.¹ If by reason of an alteration of the limits of the territories subject to a Local Government, or for any other reason, it appears to the Governor General in Council that any property vested in a Treasurer of Charitable Endowments should be vested in another such Treasurer, he may direct that the property shall be so vested, and thereupon it shall vest in that other Treasurer and his successors as fully and effectually for the purposes of this Act as if it had been originally vested in him under this Act

Transfer of property from one Treasurer to another

13. The Governor General in Council may frame forms for any proceedings under this Act for which he considers that forms should be provided, and may make such ²rules consistent with this Act as he may deem expedient for—

Power to frame forms and make rules

(a) prescribing the Local Government which is to exercise the powers conferred by this Act in the case of property which is, or is situated, in territories subject to two or more Local Governments;

(b) prescribing the fees to be paid to the Government in respect of any property vested under this Act in a Treasurer of Charitable Endowments,

(c) regulating

¹ For notification issued under this section see Punjab List of Local Rules and Orders Ed. 1902, p 171

² For rules made and forms prescribed under the powers conferred by this section see General Statutory Rules and Orders, Vol. III, Ed. 1907, p 1265 and North Western Provinces Gazette 1892, Pt. I, p 688.

SPECIAL.

INDIA ARMY ORDER

BY

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.**

Army Headquarters, Simla, the 17th June 1915.

It is notified for information that the Government of India have approved of the publication of "Field Service Manual, Medical Services, India, (Provisional) 1915 "

Government of India,
Army Department No. 3840-
2 (C.G.S., M.O.-2), dated
12th June 1915

Copies will be supplied free to all concerned by the Superintendent, Government Printing, India, Calcutta, in due course.

The manual will also be placed on sale with the Superintendent, Government Printing, India, Calcutta, at annas four per copy.

F. J. AYLMER, Major-General,
Adjutant-General in India.

INDIA ARMY ORDERS

B1

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA*Army Headquarters, Simla, the 21st June 1915.*

15 The London Gazettes of the 15th, 17th, 18th, and 20th May 1915, were received at Army Headquarters on the 13th June 1915 315
21st June
1915.

16 Appointments—The Commander-in-Chief is pleased to make the following appointments—

Major C W F Melville, I M S, to be Assistant Director, Medical Services (I S) with effect from the 6th June 1915, *vice* Lieutenant-Colonel T A Granger, I M S, promoted on Field Service

Captain I R B Skrimshire, R A M C, to be Specialist Ophthalmology, 9th (Secunderabad) Division, with effect from 1st November 1914

17 Appointments—The following Officers of the Indian Army Reserve of Officers have been attached to the Supply and Transport Corps—

To be Supply and Transport Officers, 4th Class

Captain W FOERTON ... Dated 15th December 1914

H B LOCKIE ... 24th February 1915

To be Supply and Transport Officer, 5th Class

Lieutenant G H G BURROUGHS ... Dated 2nd December 1914

To be Supply and Transport Officers, 6th Class,

Lieutenant H C DUNNING ... Dated 1st November 1914

A RICHARDS ... 2nd November 1914

C H W PHILLIPS ... 3rd November 1914

317	2nd Lieutenant P I EVANS	, Dated 3rd November 1914
1st June 1915.	J H C GAYLER	, 4th November 1914
"	A C EARP	" , 6th November 1914
"	H CRAWFORD	" , 9th November 1914
"	F W HURST	" , 12th November 1914
"	G W REED	" , 13th November 1914
"	J H BROTHERTON	" , 17th November 1914
"	C B WILSON	" , 5th December 1914
"	L H WIGFALL	" , 10th December 1914
"	J deCOLPUY POOK	" , 11th December 1914
"	I CLARKE	" , 14th December 1914
"	D MacDOLGALL	" , 23rd December 1914
"	R O HAGAN	" , 2nd January 1915.
"	W ATKINSON	" , 5th January 1915
"	H C FLASHMAN	" , 7th January 1915
"	E A NESBITT	" , 11th January 1915
"	W M C BARNETT	" , 13th January 1915
"	H S HODGES	" , 15th January 1915
"	B M C TYLER	" , 18th January 1915
"	J H CUMBERIDGE	" , 20th January 1915
"	W S DUKE	" , 20th January 1915
"	H R PANCKRIDGE	" , 20th January 1915
"	E G BAXTER	" , 20th January 1915
"	P V BAIRD	" , 20th January 1915
"	J C HORWOOD	" , 21st January 1915
"	P B BACKHOUSE	" , 21st January 1915
"	F J SIEDLE	" , 21st January 1915

317

2nd Lieutenant I J EVANS

Dated 3rd November 1914

21st June
1915

J H C GAYLER

1st November 1914

A C FARP

6th November 1914

H CRAWFORD

9th November 1914

F W HURST

12th November 1914

G W REED

13th November 1914

J B BROTHERTON

17th November 1914

C B WILLSON

5th December 1914

I H WIGFALL

10th December 1914

" J deCOLLEA LOCK

11th December 1914

I CLARKE

14th December 1914

D MacDOUGALL

3rd December 1914

R O HAGAN

2nd January 1915

W ATKINSON

5th January 1915

H C FLISHMAN

7th January 1915

E A NESBITT

11th January 1915

W M C BARNETT

13th January 1915

H S HODGES

15th January 1915

B M C TYLER

18th January 1915

J H CUMFRELLE

20th January 1915

" W S DUKE

20th January 1915

H R PANCKRIDGE

20th January 1915

E G BAXTER

20th January 1915

" F V BAIRD

20th January 1915

J C HORWOOD

21st January 1915

" F B BACKHOUSE

21st January 1915

F J SIEDLE

21st January 1915

317	2nd Lieutenant W. E. W. CREALOCK	Dated 28th February 1915.
21st June 1915.	" " H. BELL	" " 28th February 1915
"	" " G. B. O'CONNOR	" " 9th March 1915
"	" " T. A. NISSEN	" " 17th April 1915
"	" " H. A. BURTON	" " 10th April 1915
"	" " G. G. B. MITCHELL	" " 12th April 1915.
"	" " W. W. SHERLOCK	" " 14th April 1915
"	" " G. S. CAMERON	" " 15th April 1915
"	" " J. B. GIBB	" " 15th April 1915
"	" " C. B. HARDWICKE	" " 17th April 1915
"	" " W. F. LUTIER	" " 17th April 1915
"	" " M. T. SCHOLEFIELD	" " 19th April 1915
"	" " D. A. R. HUMPHREY	" " 10th April 1915
"	" " F. S. C. JAMES	" " 20th April 1915
"	" " G. HARPER	" " 21st April 1915
"	" " J. C. J. O'CONNOR	" " 26th April 1915
"	" " C. C. ARMITAGE	" " 27th April 1915
"	" " R. F. BOWLES	" " 28th April 1915
"	" " E. M. ASHTON	" " 30th April 1915
"	" " A. C. LLOYD	" " 1st May 1915
"	" " R. LESTER	" " 1st May 1915
"	" " L. R. OGG	" " 3rd May 1915.
"	" " F. A. LOUCH	" " 11th May 1915
"	" " J. C. HICKIE	" " 5th May 1915.
"	" " N. MCGURK	" " 5th May 1915
"	" " L. T. MACDONALD	" " 6th May 1915.
"	" " G. MALBY	" " 6th May 1915

319

21st June
1915.

75th Carnatic Infantry—Major C D Field, Double Company Commander, 86th Carnatic Infantry, to be Second in Command in an existing vacancy Dated 19th May 1915.

91st Punjabis (Light Infantry).—Major R J Hilson, Double Company Commander, to be temporary Second-in-Command, *vice* Lieutenant-Colonel, W. H F Basevi seconded Dated 22nd August 1914

1st Battalion, 3rd Queen Alexandra's Own Gurkha Rifles—Lieutenant-Colonel C S Eastmead, Second-in-Command, to be temporary Commandant and Major G. K Channer, Double Company Commander, to be temporary Second in-Command *vice* Lieutenant-Colonel A. C Hickley, appointed to the temporary command of the Bareilly Brigade Dated 6th April 1915

319 Queen Alexandra's Military Nursing Service for India—Resignation—Nursing Sister Miss Bessie Louise Cooper, was permitted to resign the service with effect from the 6th June 1915

Army Department letter
No 8381 2 (D M S 2)
dated 2nd June 1915

320 Pay and Allowances—It is notified that the Government of India have decided that British Army reservists who were employed in civil Government Departments (except those serving with State Railways) and who have been recalled to the colours shall, if desired, be allowed to take any privilege leave due to them under civil rules, and that their pay and allowances shall be regulated as follows—

While in India—Privilege leave pay up to the date of embarkation, or to the amount due, *plus* army pay and allowances including separation allowance, if admissible under army rules

While on service out of India or on completion of privilege leave period if then in India—Furlough pay of permanent civil appointment, *plus* Army pay and allowances, including separation allowance, if admissible under army rules

324

324. Followers.—The Government of India have

21st June
1915.

Army Department letter No H-5067, dated 22nd May 1915 sanctioned the grant of the under-mentioned concessions, with effect from the 1st April 1915, to all public followers specially entertained with a view to their ultimate employment on active service :—

- (i) A money allowance in lieu of rations.
- (ii) Batta at the rate of 50 per cent of their pay.
- 2 The expenditure involved will be adjusted as follows :—
 - (a) Public followers entertained for service with units, etc, mobilised for use in Indian operations—to be debited to Grant "14-War—1914—Debitable to the Indian Government. Excess expenditure connected with the state of war which is not chargeable to Imperial Government".
 - (b) Public followers entertained for despatch to the Forces overseas—to be charged to His Majesty's Imperial Government under item (G) of the Agreement in Appendix I to Finance Department (Military) letter No. 430-Accounts, dated the 3rd May 1915, and debited to the Central War Controller under paragraph 15 of the instructions attached to that letter.

325 British and Indian Expeditionary Forces— Postal Arrangements—

ing correspondence for the
the British Expeditionary
the guidance of all concerned.

I.—Correspondence for Indian Expeditionary Forces.

It has been found that
members of the Indian
correctly addressed and th
effecting delivery.

All such correspondence should be addressed as follows—

Number, rank, name
Regiment, Corps, or Department.
Indian Expeditionary Force ("A,"
"B," "D" or "E" as the case
may be, if known).

C/o Presidency Postmaster,

BOMBAY.

The address should not be written in pencil. Letters for Indians should be addressed in vernacular as well as in English. The number and regiment of a sepoy should always be given.

325

21st June
1915.

II — *Correspondence for the British Expeditionary Force in Europe*

The address of articles intended for members of the British Expeditionary Force should include —

- (i) Regimental number (if known),
- (ii) Rank,
- (iii) Name,
- (iv) Squadron or Company,
- (v) Battalion, Battery, Regiment (or other unit), staff appointment or Department,
- (vi) British Expeditionary Force,
- (vii) C/o General Post Office, London, England.

The following is an example of the correct mode of addressing a letter to a soldier serving with his own unit :—

639, Private J. Smith,

B. Company,

1st Battalion, East Yorkshire Regiment,

British Expeditionary Force,

C/o the General Post Office, London, England.

Special care should be exercised in addressing articles to officers, non-commissioned officers and men who may be detached from their units and employed in other appointments.

The following example is given :—

2615, Corporal R^{td} Brown,

20th Hussars,

Attached 1st Divisional Staff,

British Expeditionary Force,

C/o the General Post Office, London, England.

326

The following additional directions should be observed —

21st June
1915.

Infantry.—Both the name of the Regiment and the number of the Battalion must be given. The name of the Regiment alone is insufficient

Artillery.—The number of the Battery is essential.

Cavalry.—When the addressee's Squadron is attached to the Divisional Headquarters, the number of the Division should be given.

Royal Engineers.—The number or letter of the Company must be given. In the case of Signal Units the number or letter of the Signal Squadron, Troop ~~or~~ Company must be given.

Army Service Corps, Army Ordnance Corps—The number of the Company must be given.

Royal Army Medical Corps—The number of the Ambulance or Hospital should be given.

In no case may the name of any place be inserted in the address.

326 Passages—Regulations—The following correc-

Army Department letter No. 22758 2 (Q.M. 1). dated 2nd June 1915. tion to Army Regulations, India, Volume X, has been approved by the Government of India. It will be included in the October 1915 Appendix to India Army Orders

Paragraph 101, clause (2)—In fifth line after the word "orphanages" insert full stop and expunge the rest of the clause

327 Corrections to Gun Handbooks—The following correction has been approved by Government and should be made in the Gun Handbook specified:—

Handbook of the 2 75-inch B.L. Gun, Mule Equipment, 1911.

Page 25.—Under the heading—

"Dismounting Gun and Carriage."

In line 8, after the word 'stays' insert "Care should be taken to prevent the shield striking the bar sight."

328 Forms —The following form has been cancelled:—

328

I. A. F. O-1321—Inventory List. (*I. A. F. N. 2105* has been revised and will be used instead) 21st June 1915,

The following form has been revised and should be used for peace purposes with the revised pattern *A. I. C-2121*, (Modified for India), referred to in India Army Order No. 217 of 1915—

A. I. C. 2121 (Modified for India), Cover.

The following forms have been revised as shown below:—

I. I. F. A-135.—Cash Account Schedule, Memorandum of Advances

For the present heading of Column 3, "Balance on," substitute "Balance of original advances outstanding on 1st— and advances made in —."

Pending a reprint of the form the correction should be made in manuscript.

I. A. F. 1-1990—Information required by officers inspecting Cantonment.

Delete the Note at the head of the form

Insert as paragraph 25—"Cantonment Magistrate's précis or abstract of all orders and minutes of Cantonment Proceedings." "Is this kept up to date?"

Renumber the existing paragraph 25 and all subsequent paragraphs accordingly.

Add at the end of the form:—

NOTE—Officers Commanding Stations, General Officers Commanding Brigades and Divisions are responsible for the careful examination of the sanitary arrangements and finances of cantonments, improvements to buildings, roads and drainage, etc., supplemented by such inspections as can be made by the staff of the Quartermaster-General's Branch at Army Headquarters.

2. For any practical benefit to result from these inspections it is necessary that the officers making them should in the first instance become acquainted with (i) the present condition (financial and otherwise) and wants of cantonments, (ii) the improvements proposed in sanitation, etc., and (iii) the points particularly calling for their personal observation and where necessary, report. As regards (i) and (ii), the general policy to be followed in the administration of cantonments is laid down in the Cantonment

Page 157.—Insert the following new paragraph and table.— 328

15. The Outpost Defences in the 1st Division are allowed Signalling Stationery on the scale below:— 21st June 1915.

Station	A. F. C. 298	A. F. C. 2121		Army Book, 119		I. A. F. X. 1871
		(1) Cover.	(2) Postals.	(1) Cover.	(2) Postals.	
r	100	6	25	3	12	100
.	50	2	12	1	6	50
.	250	4	24	4	20	150
.	1000	9	60	10	50	250
1 ..	1000	12	70	1	6	200
	2000	18	72	8	40	820
.	2000	12	72	8	40	370.

F. J. AYLNER, *Major-General,*
Adjutant-General in India.

Brigadier-General W. H. Dobbie, C B., Commanding, Ahmednagar Brigade for six months on Medical Certificate under Army Department letters No. H S-380, dated the 5th February 1915, No. H-4774, dated the 10th May 1915, and paragraph 226, Army Regulations, India, Volume II

332

28th June
1915.

332 Furlough and Leave—The Government of India have had under consideration certain questions which have been raised in connection with the Army Department No. H 5118 dated 27th May 1915 recall to duty from leave of military officers owing to the war, and are decided to decide as follows—

- (i) that the leave in such cases will be held to have expired on the date of embarkation for India, or on the date of commencement of the journey to rejoin, if in India,
- (ii) that the balance of the leave surrendered may be taken at any future date, with any leave subsequently earned, provided that, in the case of privilege leave not more than 90 days' leave will be admissible the condition in paragraph 221 Army Regulations, India, Volume II, which requires that an individual must have been 33 months at duty successively proceeding on privilege leave, will not be applicable to such cases,
- (iii) that the time spent on the journey in rejoining appointments will reckon as duty, but only leave allowances will be admissible during the period of such journeys.

2. In the case of officers detained in Egypt in order to join the Expeditionary Force proceeding to the Continent, the Most Hon'ble the Secretary of State for India has decided as a special case, that Indian Army officers, departmental officers, and subordinates, and British Army officers in staff employ, recalled from leave or deputation and ordered for service with Expeditionary Forces, may draw the full pay of their appointments at Indian rates from the date of disembarkation in Egypt without diminution of the emoluments of the officers acting for them, up to the date of

331
28th June
1915.

confirmed in that appointment to fill an existing vacancy, and to remain seconded

1st Battalion, 1st King George's Own Gurkha Rifles (The Malaun Regiment) — Lieutenant-Colonel W C Anderson, Second-in-Command, 2nd Battalion, 6th Gurkha Rifles, to be Commandant, *vice* Lieutenant-Colonel J. M. Home, vacated
Dated 21st May 1915

32nd Sikh Pioneers — Major G C Hodgson, D.S.O., Double Company Commander, to be temporary Commandant, and Captain H S Mitchell, to be temporary Second-in-Command, D.S.O., appointed to the temporary command of the Sialkot Brigade Dated 1st February 1915

Major G C Hodgson, D.S.O., Double Company Commander, to be officiating Commandant and Captain H S Mitchell, Double Company Commander, to be officiating Second-in-Command, *vice* Colonel F. H. Peterson, D.S.O., appointed officiating Brigade Commander, Jhansi Brigade
Dated 2nd April 1915

4th Merwara Regiment — Major (now Lieutenant-Colonel) F W Thomas, Double Company Commander, to be Second-in-Command, *vice* Lieutenant-Colonel H P. Bell, retired
Dated 20th August 1914

Major H G T Costley, Double Company Commander, to be temporary Second-in-Command, *vice* Major F W. Thomas, appointed Second in Command, 9th Bhopal Infantry Dated 27th December 1914

Major A H. Butler, Double Company Commander, 43rd Lushpura Regiment, to be Second-in Command, to fill an existing vacancy Dated 2nd February 1915.

(This cancels Southern Army Order No 16 of 1915.)

331 Leave — The undermentioned officers are granted leave out of India:—

Lieutenant-General Sir A A Barrott, K C B, K.C.V.O., Commanding, 6th (Poona) Division, for six months on Medical Certificate under Army Department letters No H S.-380, dated the 5th February 1915, No H-4774, dated the 10th May 1915, and paragraph 226, Army Regulations, India, Volume II.

Brigadier-General W H Dobbie, C B Commanding,
Ahmednagar Brigade for six months on Medical Certificate
under Army Department letters No H S-380, dated the
5th February 1915, No H-4774, dated the 10th May
1915, and paragraph 226, Army Regulations India, Volume
II

332

28th June
1915.

332 Furlough and Leave—The Government of India
have had under consideration certain questions which have
been raised in connection with the
Army Department No H S-380, dated 28 May 1915
recall to duty from leave of military
officers owing to the war, and are
decided to decide as follows —

- (i) that the leave in such cases will be held to have expired on the date of embarkation for India, or on the date of commencement of the journey to rejoin, if in India,
- (ii) that the balance of the leave surrendered may be taken at any future date with any leave subsequently earned, provided that, in the case of privilege leave not more than 90 days' leave will be admissible the condition in paragraph 221 Army Regulations, India Volume II, which requires that an individual must have been 30 months at duty since last proceeding on privilege leave, will not be applicable to such cases
- (iii) that the time spent on the journey in rejoining appointments will reckon as duty, but only leave allowances will be admissible during the period of such journey

2 In the case of officers detained in Egypt in order to join the Expeditionary Force proceeding to the Continent, the Most Honble the Secretary of State for India has decided as a special case that Indian Army officers, departmental officers and subordinates, and British Army officers, staff employ, recalled from leave or deputation and ordered for service with Expeditionary Forces may draw the full pay of their appointments at Indian rates from the date of disembarkation in Egypt without diminution of the emoluments of the officers during for them, up to the date of

333
28th June
1915.

rejoining British Army regimental officers similarly disembarked in Egypt may also draw Indian pay from the date of disembarkation. The excess expenditure over the ordinary charges thus involved will be recovered from the War Office.

333 Recruiting—Indian Army—With the approval of the Government of India the Army Department letter No H 5624 dated the 12th June 1915 following amendments are made in clauses (i) and (iii) of Indian Army Order 74, dated 22nd February 1915, sanctioning certain modifications in the rules contained in paragraphs 89 and 90, Army Regulations, India, Volume A.—

Clause (i)—Delete the words "subject to the proviso that the cost must not exceed that from the man's home to the recruiting centre and back."

Clause (iii)—Delete the words "and provided the cost is not greater than that from their homes to the recruiting centre and back."

334 Administration—With reference to Indian Army Orders Nos 26, 85, 134 and 139 of 1915, it is notified that instructions have been received from the War Office that the designations of certain Territorial Force divisions and the Infantry brigades in them will be in future as shown below.

The present designations of these divisions and brigades will be discontinued.

There will be no change in the designation of the Artillery, Engineer and Medical units of these divisions, except as noted below.

The Divisional Cyclist Company, when authorized, the Divisional Ammunition Column and Ammunition Park, the Divisional Signal Company, the Supply Column, the Divisional Train and the Sanitary Section of each of these divisions will be numbered according to the number of the divisions, instead of the present Territorial designation.

Future Designation

13rd (Wessex) Division

128th Infantry Brigade

Present Designation

1st Wessex Division

1st Hampshire Infantry Brigade

<i>Former Designations</i>	<i>Present Designation</i>	335
1 9th Infantry Brigade	1 1st South Western Infantry Brigade	28th June 1915.
130th Infantry Brigade	1 1st Devon and Cornwall Infantry Brigade	
41st (Home Counties) Division	1 1st Home Counties Division	
131st Infantry Brigade	1 1st Surrey Infantry Brigade	
132nd Infantry Brigade	1 1st Middlesex Infantry Brigade	
133rd Infantry Brigade	1 1st Kent Infantry Brigade	
134th (Wealthy) Division	2 1st Wessex Division	
135th Infantry Brigade	2 1st Hampshire Infantry Brigade	
136th Infantry Brigade	2 1st South Western Infantry Brigade	
	2 1st Devon and Cornwall Infantry Brigade	

335 Establishments—Artillery.—With reference to India Army Order No 120 of 1915. The correct date of Army Department letter, No H S 434, is 16th February 1915, and not 18th, as shown therein.

336 Army Orders — Attention is invited to the following Army Orders, dated 1st April 1915, and Special Army Order, dated 20th April 1915 —

No 14) — 'Field Service Regulations, Part II, Amendments'

No 15) — 'Training Manual—Signalling (2 Parts) Amendments'

No VIII — 'Territorial Force—Free Discharge'

337 Musketry Matches — It is notified for information that competitions for the undermentioned prizes and jewels will not take place during the current year —

His Excellency the Viceroy's Prizes

His Excellency the Commander-in-Chief's Prizes

Army Rifle Association jewels for the British Army Championship of India

Messrs. Broke Bond & Company's Prizes

Cawnpore Woollen Mills Company's Prizes.

344 * Engineers—Mobilization—With the approval of the Most Hon'ble the Secretary of State for India, the Government of India sanction the reorganization of the three Corps of Sappers and Miners, as a temporary measure, during the war.

344

28th June 1915.

† Army Department letter No H 5 43 dated 31st May 1915

Government of India sanction the reorganization of the three Corps of Sappers and Miners, as a temporary

2 The new establishments to be maintained—

(a) India,

(b) On active service

are detailed in Tables I, II and III annexed

3 From the establishment to be maintained in India, after the reorganization, 23rd special sections the same establishment Miners, will be formed in accordance with the following instructions.

1. The present depot companies ("B", "D" and "I") will, after adjustment to the new establishment of a depot company, be called—

"B 1" (Depot) Company 1st King (George's Own) Sappers and Miners

"D 1" (Depot) Company, 2nd Queen Victoria's Own Sappers and Miners

"I 1" (Depot) Company 3rd Sappers and Miners

2. The companies will be maintained as separate units but should be attached to depot companies for administrative convenience.

3. The companies will be regarded as separate units but should be attached to depot companies for administrative convenience.

6 Of the 150 sappers and 15 drivers in such a depot company, all except 10 should be recruits. These 10 are those required for the duties of stables, clerks, assistants to armourer and schoolmasters, orderlies, etc. vide India Army Order No 687 of 1914.

7 As soon as the establishment of a depot company as above, is exceeded by the arrival of recruits, a second depot company called "B 2", "D 2", or "I 2" as the case may be, will be started. This company should again have the

338
28th June
1915

338 Equipment—Infantry—As misapprehension appears to have existed in some cases it is hereby notified for information that Implements intrenching, Heads and Helms, are not personal equipment and should not be taken on service by reinforcing drafts

Replacements in the field will be obtained as required from Ordnance Field Parks

339 Books—Equipment—The marginally noted pamphlet has been approved and copies will be issued in due course, to all concerned, under the orders of the Director General of Ordnance in India

340 Pay and Allowances—It is notified that the Government of India have sanctioned the extension of the orders contained in India Army Order 76 of 1915 to officers of the Territorial Force serving in India

341 Clothing—Territorial Forces—Additions to the Price List of clothing and necessaries issued with India Army Order No 191 of 1911 are published as an annexure to this order

342 Corrigendum—In lines 5 and 6 of India Army Order No 299 of 1915 / "honorary commissioned" read "departmental officers with honorary rank and"

343 * Field Service Manuals—It is notified for information that the Government of India have approved of the publication of "Field Service Manual, Medical Services, India (Provisional), 1915"

It be supplied free to all concerned by the Superintendent, Government Printing, India, Calcutta, in due course. It also be placed on sale with the Superintendent, Government Printing India, Calcutta, at annas four copy

* Issued as a Specimen India Army Order dated 15 June 1915

344 * Engineers—Mobilization—With the approval of the Most Honble the Secretary of State for India, the Government of India sanction the reorganization of the three Corps of Sappers and Miners, as a temporary measure during the war.

2 The new establishments to be maintained—

(a) India

(b) On active service

are detailed in Tables I, II and III annexed

3 From the establishment to be maintained in India, 2nd and 3rd (Detaching the numbers present with the field companies, 1st and 2nd Fortress Company defense light and other special establishments)

4 The present depot companies ('B', 'D', 'E', 'F', 'G', 'H', 'I', 'J', 'K', 'L', 'M', 'N', 'O', 'P', 'Q', 'R', 'S', 'T', 'U', 'V', 'W', 'X', 'Y', 'Z') will after adjustment to the new establishments be called —

B 1 (Depôt) Company 1st Sappers and Miners

D 1 (Depôt) Company 2nd Sappers and Miners

F 1 (Depôt) Company 3rd Sappers and Miners

5 The bridging train, printing and ...

6 Of the 150 sappers and 15 miners ... all except 10 should be recruited ... required for the duties of storekeepers, armourer and schoolmasters orderlies, ... Order No 587 of 1914

7 As soon as the establishment of ... is exceeded by the arrival of ... company called 'B 2', 'D 2', ... be, will be started. This company ...

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to one jemadar and the non-commissioned officers of half a field company when a field company remaining in India has been reduced to half its ordinary establishment.

and non-com-
and miner corps,
laid down for
depôt companies —

1 Officer Commanding the Depôt (may, or may not, be the Commandant)

1 Adjutant

1 Superintendent of Park and Instruction

1 Warrent Officer

1 Regimental Sergeant Major

1 Regimental Quarter Master Sergeant

2 Quarter Master Sergeant Instructors.

Note — If both the Superintendent of Park and Superintendent of Instruction happen to remain at headquarters, they should continue to draw pay as such.

16 India Army Order N 557, dated 26th October 1914, is cancelled

17 It is to be clearly understood that drafts for overseas once they have left headquarters or an outlying company are to be excluded from the establishment in India now laid down, recruits being enlisted in their place.

Men returning from overseas are to be taken again temporarily at headquarters for duty.

18 Any men of the Maler Kotla Sappers and Miners with the 3rd Sappers and Miners, if not in the establishment are to be included within the establishments laid down in Tables I, II and III.

F J AYLMER, Major-General

Adjutant-General in India

Ranks	ESTABLISHMENT IN INDIA					ESTABLISHMENT ON ACTIVE SERVICE.					Grand Total	Present Establishment.	Increase	
	4 P & L Companies	Defence & Rm. S.	Bridging Trn	Total	2 Field Companies	1 Field Troop	3 Printing Sections	2 Pk to Litter Sec- tions	2 Bridging Train	1 Field Park				Total
Subadars	7			7	2						2	9	8	1
Jemadars	15	2		17	4	2					6	23	17	6
Headclarks	45	2	1	48	12	2			1	1	10	64	46	28
Nalks	75	4	5	80	20	2			1	1	24	104	77	27
Sappers	600	29	20	649	30	50	8	8	20	"	385	1,603	1,139	464
Buglers, Trumpeters	15	"		15	4	"			"	"	4	19	15	4
Ward Orderlies	7	"		7	2	"			"	"	2	9	6	3
Headclark Drivers	7			7	2	"			"	"	2	9	6	3
Nalk Drivers	8			8	2	"			"	"	2	10	6	4
Drivers	135			135	36						36	171	108	63
Total	1,482	37	22	1,541	384	56	8	8	22	2	480	2,021	1,428	593

1st King George's Own Sappers and Miners (Indian ranks only)

ESTABLISHMENT ON ACTIVE SERVICE

Ranks	1 TAB ISHMENT N INDIA															
	4 R T C P L N	3 C T L N	2 L N	1 R T op	Br e T	T e	Field Comp es	P nt ng c t ons	Ph to L tho Sec	1 Br dg n Tra n	Field Pay	Total	C and Total	Present Establ shment	Increase	
Subadvs																
Jemads	45	2													1	
Headqs	75	4													6	
Mkls	168	29													4	
Sappers	25														27	
Boglers, Trumpeters	7														464	
Ward Orderly															4	
Headqs Drivers	8														3	
Nak Drivers															3	
Drivers															4	
Total	1,482	37			22	1,541	384	56	8	8	21	2	480	2,021	1,428	693

TABLE III.

3rd Sappers and Miners (Indian ranks only)

Ranks	ESTABLISHMENT IN INDIA			ESTABLISHMENT ON ACTIVE SERVICE				Grand total	Present Establishment	Increase
	2 Field Companies Panics Depot	Fortress Companies	Defence Light Section	Total	4 Field Companies	1 Bridging Train	1 Printing and Photo L. tho Section			
Sobadars	6	1	2	6	4			10	8	2
Memdars	13		2	16	8			24	7	7
Haridars	29		4	43	24	1		68	46	2
Nalks	55		4	72	40	1		113	78	35
Sappers	970	43	37	1050	600	20	8	1584	1155	529
Buglers	15			16	8			24	15	9
Ward Orderlies	6			6	4			10	6	4
Havildar Drivers	7			7	4			11	6	5
Nalk Drivers	108			108	72			180	108	72
Drivers										
Total	1241	50	45	1336	768	22	8	2134	1445	689

F J AYLMER, Major-General,
3rd Sappers and Miners, Indian ranks only

ANNEXURE TO INDIA ARMY ORDER, No 341 of 1915.

The following additions are made to the Price List of Clothing, Necessaries, etc., issued with I A O. No. 494 of 191 —

Add a new page 14 a, and insert the following —

Clothing—Term of Forces

Stock No.	Articles.	Stock book rate	Fitting allowance when issued ready made	Regimental making rate.	Price.
		Rs. A. P.	Rs. A. P.	Rs. A. P.	
1190	Boots ankle pair	6 8 0	—		
1194	" " mounted "	6 0 0			
	Cap, forage, blue each	1 12 0			
	" " green "	2 0 0			
1930-A	Drawers, cotton pair	1 8 0			
2091 B	Helmet khaki, chin straps mounted dozen	2 0 0			
2081-C	Helmet khaki chin straps dis mounted "	2 0 0			
2085	Helmet khaki Wolseley pattern each	3 4 0			
2417	Helmet, khaki puggrifor "	0 7 0			
2429	Putties pair	1 4 0			
2710	Sash silk " arch	8 0 0			
2711	" worsted "	1 8 0			
2334	Slippers, foot pair	0 4 0			
2555-B	Frock drill khaki with breast pockets Highland and Scottish Regiments — each	2 12 0	0 2 4	0 9 2	
1932-A	Frock, drill khaki, with breast pockets all services except Highland and Scottish Regiments — "	2 11 0	0 2 4	0 9 4	
2979	Jacket serge, drab universal service dress — "	7 0 0	0 7 0	0 12 8	
4033	Garshewers cord, khaki, Wellington quality — pair	4 12 0	0 2 0		

Stock No	Articles	Stock book rate	Fitting allowance when issued ready made.	Regimental making rate	REMARKS
4141 C	Trousers, drill, khaki mounted pair	Rs A P 1 4 0	Rs A P 0 1 5	Rs A P 0 5 7	
4144 D	" " dismounted "	2 0 0	0 1 5	0 5 2	
4185	" " serge drab universal service dress "	4 12 0	0 3 0	0 6 9	

NOTE — (a) For making clothing the rates in paragraph 68 A R I, Volume XI will apply
 (b) Extra allowances for making clothing regimentally and for fitting clothing issued ready made from Army Clothing Factories will be drawn as in footnote to paragraph 68 (g) A R I Volume XI

Page 15 — Insert the following below stock No 1197 —

Stock No	Articles	Value when concerned	Monthly depreciation on value	REMARKS
1194	10 to Wellergt pair	Rs A P 1 0 0	Rs A P 0 4 0	For Territorial Forces.
Insert the following below stock No 1803 —				
2011 A	Cannons, mounted Artillery pair	6 12 0	0 10 10	} For Territorial Forces
2012	Cannons dismounted Artillery	6 8 0	0 10 5	

F. J. AYLMER, Major-General,
 Adjutant-General in India

INDIA ARMY ORDERS

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.

Army Headquarters, Simla, the 5th July 1915.

345 The London Gazettes of the 29th May and the 1st, 2nd, 3rd, 4th, 5th, 7th, 8th and 9th June 1915 were received at Army Headquarters on the 30th June 1915. 345
5th July
1915.

346. Appointments—The Commander-in-Chief in India is pleased to make the following appointments—

Colonel J. T. Daly, I M S., to be Assistant Director of Medical Services, Derajat and Bannu Brigades, with effect from the 1st April 1915, from which date he is to be considered as having joined the appointment under the Note to paragraph 18, Army Regulations, India, Volume I.

Lieutenant-Colonel H. A. P. Lindsay, Indian Army, to be Supply and Transport Officer, 1st Class, with effect from the 27th June 1915

347 Appointments—Regimental.—The Commander-in-Chief in India is pleased to make the following appointments—

With Cavalry (Frontier Force)—Major R. M. Hall, Squadron Commander, to be temporary Second-in-Command, vice Brevet Lieutenant Colonel A. W. Peck, proceeded on service. Dated 11th June 1915

10th Jats—Captain V. R. Gwyer, Double Company Commander, *pro-tem*, is confirmed in that appointment to fill an existing vacancy, and to remain seconded

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5th July
1915.

72nd Punjabis.—Captain T. S. Whitworth, Double Company Officer, to be Double Company Commander *pro-tem.*, and to remain attached to the 93rd Burma Infantry, *vice* Captain W S Dayrell, seconded

99th Deccan Infantry.—Lieutenant-Colonel E. N. Davis, Second-in-Command, to be Commandant, *vice* Lieutenant-Colonel F. W. Rea, vacated. Dated 29th April 1915.

112th Infantry.—Major C. B. Winter, Double Company Commander, to be Second-in-Command, and to remain seconded, *vice* Lieutenant-Colonel E. H. Boome, appointed Commandant, 102nd King Edward's Own Grenadiers.

Major E. H. McE Fenn, Double Company Commander, to be Second-in-Command, *pro-tem.*, *vice* Major C. B. Winter, seconded. Dated 18th May 1915.

2nd Battalion, 4th Gurkha Rifles.—Major A. E. Seely, Double Company Commander, to be Second-in-Command, and to remain attached to the Nepalese Contingent, *vice* Major D. C. Young, killed in action. Dated 15th March 1915.

Major G. A. Perreau, Double Company Commander, to be temporary Second-in-Command, *vice* Major D. C. Young, proceeded on service. Dated 9th March 1915

Major G.
temporary
attached to
1915.

348 Military Nursing Service
for Sister Miss
Army is permitted to . . .
No with effect from the
dated
1st July 1915.

349 Service.—With reference
1911, His Excellency the
to increase the annuities
attached to the medal for meritorious service now held by

certain non-commissioned officers, and to award the silver medal for meritorious service as under.—

350

5th July
1915.

INCREASED ANNUITIES

From £ 5 to £ 10.

Pensioned 1st class Serjeant-Instructor G Shears, late Serjeant-Instructor, South Indian Railway Volunteers, with effect from 1st April 1915

Pensioned 1st class Serjeant-Instructor M Wooley, late Serjeant Instructor, Madras Railway Volunteers, with effect from 6th April 1915, vice pensioned Serjeant Major J Searle, deceased

Medal with Annuity of £ 5.

Quartermaster-Serjeant C Rans, Quartermaster-Serjeant, Landour Hill Depot

Pensioned Colour Serjeant-Instructor O B St. Martin, late Colour Serjeant-Instructor, East Indian Railway Volunteer Rifles

Pensioned Squadron-Serjeant-Major Instructor A H. Webster late S.M.I., Asam Valley Light Horse

Carrier Serjeant-Major A B Hirtes Subordinate Veterinary Department

} With effect from
1st April 1915
to complete
establishment.

Pensioned Serjeant-Major W. Freshwater late Regimental Serjeant-Major, 1st King George's Own Sappers and Miners, with effect from 6th April 1915, vice Pensioned 1st class Serjeant-Instructor M Wooley

350 Schools, British.—His Excellency the Commander-in-Chief has been pleased to approve of the following appointments of Army Schoolmasters and Schoolmistresses

348
5th July
1915.

72nd Punjab — Captain T. S. Whitworth, Double Company Officer, to be Double Company Commander *pro-tem.*, and to remain attached to the 9th Burma Infantry, *vice* Captain W. S. Dayrell, seconded

99th Deccan Infantry — Lieutenant-Colonel E. N. Davis, Second-in-Command, to be Commandant, *vice* Lieutenant-Colonel F. W. Rea, vacated Dated 29th April 1915

112th Infantry — Major C. B. Winter, Double Company Commander, to be Second-in-Command, and to remain seconded, *vice* Lieutenant-Colonel E. H. Boome, appointed Commandant, 102nd King Edward's Own Grenadiers

Major E. H. McB. Fenn, Double Company Commander, to be Second-in-Command, *pro-tem.*, *vice* Major C. B. Winter, seconded Dated 18th May 1915

2nd Battalion, 4th Gurkha Rifles. — Major A. E. Sealy, Double Company Commander, to be Second-in-Command, and to remain attached to the Nepalese Contingent, *vice* Major D. C. Young killed in action Dated 15th March 1915.

Major G. A. Perreau, Double Company Commander, to be temporary Second in Command, *vice* Major D. C. Young, proceeded on service Dated 9th March 1915

Major G. A. P.
temporary
attached to
1915.

348 Queen Alexandra's Military Nursing Service for India — Resignation — Nursing Sister Miss Eliza Muriel Orchard, is permitted to resign the service with effect from the 1st July 1915
Army Department letter No. 8736/2 (D M S) dated 19th June 1915

349 Rewards — Meritorious Service — With reference to India Army Order No. 471 of 1911, His Excellency the Commander-in-Chief is pleased to increase the annuities attached to the medal for meritorious service now held by

certain non-commissioned officers, and to award the silver medal for meritorious service under :—

350

5th July
1915.

INCREASED ANNUITIES.

From £ 5 to £ 10.

Pensioned 1st class Serjeant-Instructor G Shears, late Serjeant-Instructor, South Indian Railway Volunteers, with effect from 1st April 1915

Pensioned 1st class Serjeant-Instructor M Wooley, late Serjeant-Instructor, Madras Railway Volunteers, with effect from 6th April 1915, *vice* pensioned Serjeant-Major J Searle, deceased.

Medal with Annuity of £ 5.

Quartermaster-Serjeant C. Rans, Quartermaster-Serjeant, Landour Hill Depot

Pensioned Colour Serjeant-Instructor O. B St. Martin, late Colour-Serjeant-Instructor, East Indian Railway Volunteer Rifles

Pensioned Squadron-Serjeant-Major-Instructor A H. Webster, late S.S.M.I., Assam Valley Light Horse

Farrier Serjeant-Major A. E. Hirtes, Subordinate Veterinary Department.

1st class Serjeant-Instructor M. Wooley.

With effect from
1st April 1915
to complete
establishment.

350 Schools, British—His Excellency the Commander-in-Chief has been pleased to approve of the following appointments of Army Schoolmasters and Schoolmistresses

for duty at Hill Stations during the Summer Season of 1915 —

5th July
1915.

Hill Depôts	Schoolmasters	Schoolmistresses
Murree Depôt	H Spencer (Departmental School, Cambridge Barracks, Rawalpindi)	Mrs F. M. Wyatt.
Chifden	R. B. Blair (VII Brigade, Royal Field Artillery)	Mrs. B. Blair, Mrs M. A. Yenssley (1st Battalion, West Riding Regiment)
Upper Ghazial	L. E. Dowling (2nd Battalion North Staffordshire Regiment)	Mrs E. J. Evans (2nd Battalion, North Staffordshire Regiment)
Kuldana	R. W. Pike (1st Battalion Yorkshire Regiment)	Mrs A. E. Pike (1st Battalion Yorkshire Regiment)
Ghora Dhaka	Not required	Mrs M. Pike (2nd Battalion, The King's Liverpool Regiment)
Klanapur	C. J. Bickers (16th Brigade Royal Field Artillery, Nonalcers)	Mrs I. M. George (16th Brigade, Royal Field Artillery, Nonalcers)
Upper Barian	Not required	Mrs J. D. Cawte (1st Battalion Durham Light Infantry)
Lower Barian	Not required	Mrs M. A. Hindmarsh (1st Battalion, Royal Sussex Regiment)
Upper Topa	M. J. Gallagher (2nd Battalion The King's Liveries of Regiment).	Not required
Lower Topa	G. E. Crouch (21st Hussars)	Mrs. G. Pring (21st Hussars)
Kasauli	H. J. Murdoch (Ambulance Officer)	Mrs M. F. Waterson (Permanently stationed at Kasauli Hill Depôt)
Dalhousie	W. E. Dalton (1st-6th Devonshire Regiment)	Mrs N. G. Shea (14th Hussars)

5th July
1915

H II Depôts	Schoolmasters	Schoolmistresses
Dagshai	T A Jeffries (8th Lucknow) Divisional Office	Not required
Pachmarhi	Vacant	Mrs Haines (1st 7th Hampshire Regiment).
Mount Abu	T Gatenby (1st 6th Devonshire Regiment)	Mrs V C Bush (Allahabad)
Chakrata	Vacant	Miss E Browne (1st 6th Hampshire Regiment)
Kanana	Vacant	Vacant
Ranikhet (B I Lines)	J F Marwood (Garrison Schools Fort William)	Mrs C M Marwood
	J Jackson (Allahabad Brigade Office)	Mrs W D Gill (Royal Artillery, Jhansi)
Jalapaigar	B H Wilson 8th (Lucknow) Divisional Office	Mrs F Morol (Garrison Schools Fort William)
Leloung	J C Crisp (4th Battalion Royal West Surrey Regiment)	Mrs L I Fownes (4th Battalion Royal West Surrey Regiment)

351 Organisation—With reference to India Army Arm. Department letter Order No 25 of 1915, the Government of India have decided that the four company organisation shall be adopted in battalions of the Territorial Force now existing in India.

2 The war establishment of a battalion under this organisation is given in the annexure hereto.

Officers commanding companies will be mounted free of cost and will receive horse allowance in addition, in accordance with the note to paragraph 15, Army Regulations, India, Volume I, less a reduction of Rs 4 per month for insurance charges.

1 Officers commanding companies and the adjutant may now be granted an allowance of Rs 50 per month in lieu of the allowance admissible under paragraphs 221 and 255 (c), Army Regulations India, Volume I.

5th July
1915.

5. With reference to paragraph 207, Army Regulations, India, Volume I, the officer commanding a detachment consisting of one or more companies to which an adjutant is not attached will be granted a stationery allowance of Rs 25 per mensem

6 The daily rate of pay of the company sergeant-major and company quartermaster-serjeant will be 4s 0d. and 3s 6d, respectively

The company quartermaster serjeant will be granted additional pay at 6d per diem for performing the pay duties of the company

7 The allowance per company of Rs 10 per mensem for stationery and Rs 5 per mensem for repairs of arms, and accoutrements admissible under paragraph 219, Army Regulations, India, Volume I, will be increased to Rs 20 and Rs 10 per mensem, respectively

8 In cases where portions of companies have to be sent on detachment, it is left to commanding officers to decide, subject to the approval of the Brigade Commander, whether the company commander, company serjeant major and company quartermaster serjeant shall be with the portion detached or with that remaining at battalion headquarters

9 Captains rendered supernumerary by this order will be absorbed into the earliest vacancies that occur

10 Companies will be designated by the letter "A," "B," "C" and "D," but for the present will be referred to in letters, telegrams or orders as double companies

11 For purposes of administration the details of battalion headquarters and the machine gun section (other than the battalion commander, serjeant major, adjutant and quartermaster) will be posted to companies of the battalion as supernumerary to the establishment of platoons. The distribution will be at the discretion of the battalion commander, but should be so arranged that the numbers so posted to companies shall be approximately equal

With the exception of staff serjeants, the details of the battalion headquarters and machine gun section (other than officers) will sleep and mess with their companies, or otherwise as the battalion commander may direct.

352. Establishments—It is notified for information that the Government of India have been pleased to accord approval to the provisions of Royal Warrant XIX—Warrant Officers, Class II, published in Army Order No 70 of 1915, being made applicable to India in respect of—

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5th July
1915.

(a) units of the British Army including the Territorial Force borne on the Indian Establishment,

(b) individuals of the Home Service affected by the Royal Warrant who are serving in this country on a tour of duty. Men of the Royal Engineers who are holding local rank will not be subject to the provisions of the Royal Warrant XIX, until they are promoted in the Corps of Royal Engineers.

2 The application to India of the above will not affect the rates of pay and allowances at present admissible under Army Regulations, India, to the individuals holding the ranks and appointments noted in the Army Order.

3. Pending the issue of a Royal Warrant relating to the promotion of Acting Serjeant-Majors of Territorial Force units, these will hold the acting rank of Warrant Officer, Class I.

4 The attention of all concerned is directed to the Army Council's instructions at the end of the Army Order.

353 Exchange on the Mexican Dollar.—Intimation has been received from the Treasury Chest Officer, Hong Kong, that the official rate of exchange on the Mexican Dollar for the month of June 1915, will be one shilling and ninepence three farthings at Hong Kong and on the China stations.

354 Artillery Equipment—Inspected by the Inspector of Ordnance Machinery.

The following procedure will be carried out in preparing equipment of mobile artillery for inspection by Inspectors of Ordnance Machinery.

(a) All guns and caissons to be removed from carriages and placed on supports about 2 feet above the ground.

delete the words "and infantry," and insert the following as a new entry immediately below —

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5th July
1915.

Rifles, crossed and crown gold	16 per unit in which all the companies have executed the annual course	Infantry only
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356 Books—Regulations.—The following amendments to Army Regulations, India, Volume XI, have been approved by the Government of India —

173 and 175 and *substituted* as a new section after

Field Service.

38-A Clothing allowance will cease to be drawn from the first day of the quarter in which a soldier or public follower joins a field force at the base

38 B While in the field all troops and public followers will be provided with such clothing and necessaries as are available and of which the issue is sanctioned by competent authority. When it is not convenient to issue clothing in kind, compensation in lieu may be granted on the conditions prescribed in War Establishments, India

38 C On the return from field service of a soldier or public follower to his destination, or on the demobilization of the field force to which he belonged, whichever event may occur earlier, a station board will survey all clothing and necessaries in his possession forming part of the peace scale which he is required to maintain. The soldier or public follower will be entitled to compensation for such of these articles as are found by the board to be of unsuitable pattern, deficient, or unserviceable, but no compensation will be given on account of deficient or unserviceable articles which have become so in consequence of neglect on the part of the individual, or of his corps

38-D Compensation will be granted under the orders of competent financial authority and assessed in accordance with the rules in A R, I, Vol. I. Men who are in receipt

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1915.

of clothing allowance will receive compensation in the form of a credit in their clothing account; sildars will receive compensation in cash; others will be compensated by free issues in kind.

38-E. Clothing allowance will recommence from the first day of the quarter in which the man ceases to be on field service; if, however, he has been less than three months on field service, it will recommence from the first day of the following quarter. A man is considered to be on field service from the date of arrival at the base to the date of leaving it on his return, or to the date of the demobilization of the field force, whichever be earlier.

38-F. Men returning from the front prematurely will be dealt with under the above rules, except that a board will only be assembled when the amount involved exceeds the financial powers of the O. C. the station.

357. Summaries of Confidential Reports—The following corrected summaries, Volume II, have been up and will be published in 1915.

Paragraph 341 (b) as substituted in October Appendix 96, India Army Orders, 1914.

After (c) insert "(d) for Supply and Transport Corps by the Assistant Director of Supplies or Assistant Director of the Division

Reletter "(d)" and "(c)" "(c)" and "(f)" respectively.

358. Transport—Mobilisation.—With reference to India Army Order No. 54, dated the 8th February 1915, as amended by India Army Order No. 148, dated the 5th April 1915, it is notified that the Government of India have sanctioned the following further amendments to the

Army Department letter No. H. 5627, dated the 17th June 1915.

rules for the promotion of Indian establishments of transport units on field service during the present war —

359

2th July
1915.

(i) Appointments in the rank of Jamsidar in transport units will be made by the General Officer Commanding the War Division and an intimation of the name of the non-commissioned officer so promoted will be sent to the Quartermaster-General in India when such an appointment is made.

(ii) In the event of a vacancy occurring in the rank of Jamsidar among Indian officers holding the rank of Havildar (allowed for experimental units) the fact will be reported to the Quartermaster-General in India who will continue to make promotions to this rank from the general list of Indian officers of transport units maintained at Army Headquarters.

359. Equipment—Infantry—It is notified for information that the instructions contained in India Army Order No. 338 of 1915 apply also to pioneers too.

P J ALLMER, Major-General,
Quartermaster-General in India

ANNEXURE TO INDIA ARMY ORDER No. 351 OF 1915.
TERRITORIAL INFANTRY IN INDIA.
War Establishment.

DETAIL	PERSONNEL.										ANIMALS				ATTACHED TRANSPORT.				REMARKS								
	BRITISH FIGHTING MEN								INDIAN FOLLOWERS		Horses.				Pack mules in Unit charge.												
Officer.	Warrant Officer, Class I	Warrant Officer, Class II	Staff Sergeant and Sergeant	Drummers and Buglers	Black and White	Total	Public	Private	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	
Headquarters (excluding attached)	4	1	1	7	1	33	45	1	15	6	1	1	1	1	0												
Attached	1	1					2	14	3	1	1																
Machine Gun Section.	1			1	1	17	39		3	1	13																
Four Companies	24		4	30	10	653	671	24	28	4																	
Total	30	3	5	44	10	731	831	30	49	13	2	12	0	123	73	66											

COMPOSITION IN DETAIL.

(1) Personnel and animals.

DETAIL	PERSONNEL							ANIMALS				ATTACHED TRANSPORT				REMARKS	
	BRITISH FIGHTING MEN							INDIAN FOLLOWERS				Mules Transport	Pack mules.	Camels	Personnel		
	Officers	Warrant Officers Class I	Warrant Officers Class II	Staff Sergeant and Sergeants	Drummers and Buglers	Rank and File	Total	Police	Private	Pr rate	Horses						Ponies	Pack mules in Unl charge
1	2	3	4	8	6	7	8	9	10	11	12	13	14	15	16	17	(a) Performs the duties of Squalling Officer (b) Included in Company strength
	1	1	1	1	1	1	1	1	2	2	1	1	1	1	1	1	
2nd quarters	1	1	1	1	1	1	1	1	2	2	2	1	1	1	1	1	
Lieutenant-Colonel	1	1	1	1	1	1	1	1	2	2	2	1	1	1	1	1	
Major	1	1	1	1	1	1	1	1	2	2	2	1	1	1	1	1	
Adjutant (a)	1	1	1	1	1	1	1	1	2	2	2	1	1	1	1	1	
Quartermaster	1	1	1	1	1	1	1	1	2	2	2	1	1	1	1	1	
Transport Officer (b)	1	1	1	1	1	1	1	1	2	2	2	1	1	1	1	1	
Acting Serjeant Major	1	1	1	1	1	1	1	1	2	2	2	1	1	1	1	1	* Acting rank only

(a) Performs the duties of
Squading Officer
(b) Included in Company
strength

* Acting rank only

Detail	PERSONNEL										ANIMALS	ATTACHED TRANSPORT				REMARKS		
	Battalion fighting men											Pack mules	Camels	Personnel				
	Infantry	Artillery	Engineers	Medical	Communications	Transport	Supply	Signal	Other	Followers								
1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
3	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
4	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
5	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
6	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
7	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
8	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
9	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
10	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
11	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
12	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
13	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
14	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
15	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
16	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
17	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
18	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
19	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
20	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
21	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
22	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
23	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
24	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
25	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
26	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
27	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
28	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
29	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
30	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
31	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
32	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
33	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
34	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
35	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
36	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
37	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
38	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
39	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
40	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
41	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
42	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
43	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
44	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
45	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
46	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
47	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
48	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
49	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
50	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
51	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
52	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
53	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
54	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
55	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
56	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
57	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
58	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
59	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
60	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
61	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
62	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
63	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
64	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
65	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
66	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
67	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
68	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
69	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
70	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
71	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
72	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
73	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
74	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
75	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
76	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
77	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
78	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
79	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
80	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
81	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
82	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
83	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
84	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
85	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
86	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
87	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
88	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
89	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
90	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
91	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
92	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
93	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
94	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
95	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
96	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
97	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
98	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
99	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
100	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		

(f) Twelve Deserts 1 Ward
Servant 1 Syc

(II) TRANSPORT

(II) TRANSPORT

		BATTALION TRANSPORT	ATTACHED TRANSPORT			REMARKS
		Pack mules	Pack mules	Camels	Personnel	
1st Line			3			
Headquarters and Machine Gun Section	Signalling and telephone equipment		4		5	
	Stretchers		1			
	Medical equipment		4			
	Section reserve S & A	13				
Four companies	Two machine guns and ammunition and line gear		32		10	
	Section reserve S & A		3			
	Entrenching tools		10			
	Water					
Total 1st Line			12	68		24
2nd Line				25		
Battalion—				21		
Coats (Summer) or blankets (Winter)				2		47
Rations					53	
Cooking pots					19	
Other Baggage and Stores						
Regimental reserve S & A				51	7	63
Total 2nd Line						
Total 1st and 2nd Line			12	127	72	66
Add—for Winter Coats						1
Add—for Tests						8

J. M. R. Major-General

P. J. AYLMER, Major-General,
Adjutant General in India

INDIA ARMY ORDERS

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA

Army Headquarters, Simla, the 12th July 1915.

360 The London Gazettes of the 10th, 11th, 12th, 11th and 15th June 1915 were received at Army Headquarters on the 6th July 1915

360
12th July
1915.

361 Appointments—The Commander-in-Chief in India is pleased to make the following appointment—

Lieutenant Colonel R J W Mawhinny, R A M C, to be Assistant Director, Medical Service (British Service) *pro tem* with effect from the 13th March 1915, from which date he will be considered to have joined the appointment under note to paragraph 18 Army Regulations, India, Volume I

362 Appointments—Regimental—The Commander in Chief in India is pleased to make the following appointments—

7th Hussars (Lancers)—Major O G M Wheeler, Squadron Commander (since killed in action), to be temporary *pro tem* in Command, *vice* Brevet Lieutenant-Colonel L C Jones, M V O, proceeded on service Dated 15th November 1914

Captain M H Simonds Squadron Officer, to be temporary Second in Command, *vice* Brevet Lieutenant-Colonel L C Jones, M V O, proceeded on service Dated 15th November 1915

29th Light Cavalry—Captain W. C. Jones, Squadron Commander, *pro tem*, is confirmed in appointment, *vice* Lieutenant-Colonel E Wintour, Dated 12th December 1914

363

12th July
1915.

33rd Queen Victoria's Own Light Cavalry—Captain W H Anderson, Squadron Commander, *pro tem* is confirmed in that appointment and to remain seconded, *vice* Major M H Anderson, killed in action

88th Carnatic Infantry—Major J D Reece, Double Company Commander, to be temporary Second-in-Command, *vice* Major K E Nangle, appointed temporary General Staff Officer Second Grade, 9th (Secunderabad) Division
Dated 14th October 1914

363 Discipline—Indian Army—The Government of India have decided that, during the period of the war the reward admissible for the apprehension of a deserter from the Indian Army shall be increased as follows—

- Army Department No H 5538 dated 16th June 1915
- (a) To Rs 20 in the case of combatants (including reservists) of the Indian Army, and Sub Assistant Surgeons of the Indian Subordinate Medical Department
- (b) To Rs 10 in the case of transport personnel, men of the Army Bearer and Army Hospital Corps, and all followers

The amounts now sanctioned will be subject to reconsideration if necessary, after the war

364 Pay and Allowances—The Government of India have decided that Military Upper Subordinates of the Military Works Services or members of the Barrack Department are entitled to draw when on field service any sub-divisional allowance which they were in receipt of before proceeding thereon, *vide* Army Regulations, India, Volume I paragraph 621. Such men when attached to Defence India shall receive the man in the Military *plus* the Indian Defence Light Allowance of Rs 31 per day, *vide* Army Regulations, India Volume I, paragraph 151 (d), which will be in lieu of any sub-divisional allowance which they

may have received before joining Defence Light Sections
No compensation can be given for the loss of conveyance allowance in this case

365

12th July
1915.

365 Establishments—British Army—The Government of India have decided that when non commissioned officers of the British Army are retained in India after the individuals detailed to relieve them have arrived from Home, the non commissioned officers under relief are to be borne as supernumeraries pending embarkation for Home but that should a vacancy in their rank occur in ~~the~~ unit (brigade or group in the case of Artillery) before they embark, they are to fill such vacancy temporarily. If passage to the United Kingdom cannot be made available for the non-commissioned officers under orders for Home during the trooping season in which the reliefs were arranged, they are to be absorbed in the first vacancy in their unit (in the case of Artillery, any unit of the brigade or group) pending allotment of passage.

2 It should be clearly understood that the administrative authority concerned will be held liable for any extra expense on account of overpayments resulting from the disregard of the above rule

366 Transport—Railway—All consignments of fodder, ordnance stores, Supply and Transport equipment, camp equipage, regimental stores, stationery, etc. etc., intended for despatch from Karachi to any of the Indian Expeditionary Forces overseas, booked either by goods or passenger train, should invariably be consigned to Kiamari, and not to Karachi, care of "The Supply and Transport Officer, Embarkation, Kiamari."

2 The railway authorities at the booking stations may be informed that, during the continuance of the war, the North Western Railway are delivering consignments at Kiamari, *by passenger*

367 Passages—Regulations—With reference to paragraph 86, Army Regulations, India, Volume A, it has been

368

12th July
1915.

decided that officers who were recalled to duty in India at very short notice while on privilege of other leave on the outbreak of war in August 1914 shall be treated as entitled to free passage on that occasion, irrespective of the amount of leave unexpired at the time of recall

2. All cases of recall in connection with the present war, should be disposed of accordingly.

368. Passages—Regulations—British regimental and non-departmental warrant officers, and all British non-commissioned officers and men serving in India, who are granted furlough to their homes in the Colonies and are entitled to free passage from and to India, will be granted free passage for their families when they are permitted to accompany them.

2. Army Regulations, India, Volume X, will be amended accordingly.

369. Postal Arrangements—Mediterranean Expeditionary Force.—The following instructions regarding correspondence for the Mediterranean Expeditionary Force are published for the guidance of all concerned

Mode of addressing correspondence

Articles intended for members of the Mediterranean Expeditionary Force should include the following particulars:—

(1) Regimental number (if known),

(2) Rank,

(3) Name,

(4) Squadron or Company,

(5) Battalion, Battery, Regiment (or other unit),
Staff appointment or Department,

and should be addressed—

Mediterranean Expeditionary Force, Port Trust, Egypt.

ANNEXURE TO INDIA ARMY ORDER No 370 OF 1915

NATIONAL INSURANCE.

National Health Insurance.

PROVISIONAL REGULATIONS, DATED 24TH MARCH, 1915, MADE UNDER SUB-SECTION (7) OF SECTION 46 OF THE NATIONAL INSURANCE ACT, 1911, AS EXTENDED BY THE NATIONAL INSURANCE (NAVY AND ARMY) ACT, 1914, AND THE NATIONAL INSURANCE (NAVY AND ARMY) ACT, 1914, (SESSION 2), WITH RESPECT TO CERTAIN PERSONS SERVING WITH THE NAVAL AND MILITARY FORCES OF THE CROWN DURING THE PRESENT WAR

The Insurance Commissioners hereby certify under Section 2 of the Rules Publication Act, 1893, that on account of urgency the following Regulations should come into operation immediately, and in exercise of the powers conferred on them by sub section (7) of Section 46 of the National Insurance Act, 1911, as extended by the National Insurance (Navy and Army) Act, 1914, and the National Insurance (Navy and Army) Act, 1914, (Session 2), hereby make the following Regulations to come into operation forthwith as Provisional Regulations:—

1 These Regulations may be cited as the National Health Insurance (Naval and Military Forces, Service during War) Regulations, 1915

2 —(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

"The Act" means the National Insurance Act, 1911, as amended by the National Insurance (Navy and Army) Act, 1914, the National Insurance (Navy and Army) Act, 1914 (Session 2), and the National Insurance (Part I. Amendment) Act, 1915

"The Commissioners" means the Insurance Commissioners

"Officer" means any person who, being previously insured, serves during the present war as a commissioned or warrant officer of the Naval Reserves, or an officer of the Reserve or of the Territorial Force, or is granted a temporary commission in the regular forces during the continuance of the present war

"Seaman, marine, or soldier" means any seaman, marine, or soldier specially enlisted for the purposes of the present war

"Naval Reservist" and "Army Reservist" mean a man belonging to the Naval Reserves and to the Army Reserve, respectively

"Territorial Force" includes, for the purpose of these Regulations, the Irish Force and King Edward's Rifle

"Officers and men" includes officers, seamen, marines, and soldiers, Naval Reservists, Army Reservists and men of the Territorial Force

"Commencement of service" means in the case of an officer the date on which he begins to serve as an officer for the purposes of the present war, in the case of a seaman or marine the date of his entry in the case of a Naval Reservist the dates on which the Naval Reserves became employed during war or any emergency, and, in the case of a Naval Reservist who becomes employed on service after those dates, the date on which he becomes so employed, and in the case of a soldier, or of an Army Reservist or a man of the Territorial Force called out on permanent service or on embodiment, respectively the dates on which they are finally accepted for service

"Discharge" includes any termination of service

(2) The Interpretation Act 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament

In the application of Section 18 of the Act, as amended by the National Insurance Act, 1913, and the National Insurance (Part I Amendment) Act, 1915, and of

any Regulations made thereunder and for the time being in force (other than the Regulations) to officers and men after the commencement of service the following adaptations and modifications shall have effect —

(1) The commencement of service shall be treated as if it were the date of enlistment mentioned in Section 16 of the Act, and, notwithstanding anything in sub-section (2) of Section 46, the provisions of sub-section (b) of that section, as modified by these Regulations shall in the case of officers and men, other than officers and men who have joined an approved society before the commencement of service, apply immediately after that date.

(2)—(a) The provisions of paragraph (d) of sub-section (3) of Section 46 of the Act shall not apply to an officer or man who was immediately before the commencement of service a deposit contributor, other than an officer or man who joins the Service or dies during service, but the Deposit that fund

(b) If such an officer or man does not become a member of the Navy and Army Insurance Fund under the provisions of paragraph (b) of sub-section (3) of Section 46 of the Act, such of the provisions of paragraph (a) of that sub-section as require the Commissioners to retain any

the Commissioners shall determine to represent the average value of the benefits to which he has been or has become entitled during that period, shall be carried to his credit in the Deposit Contributors Fund.

- (c) If after the date of discharge he becomes entitled to benefits out of the Navy and Army Insurance Fund, he shall, for the purpose of dealing with the sum standing to his credit in the Deposit Contributors Fund, be treated as if the Navy and Army Insurance Fund were an approved society and he had become a member of that fund at the commencement of service.

4. The provisions of Section 16 amended as aforesaid, shall not apply to any seaman, marine, or soldier, or to any Naval Reserve, who was not immediately on service an insured person. The Admiralty or Army Council may determine elects not to become insured during the period of his service.

5. The National Health Insurance Regulations, 1914, as amended, shall apply to the Reserve and Territorial Force (Officers and Soldiers) Health Insurance (Officers and Soldiers) Regulations, 1914, are hereby revoked, but such revocation shall not affect any right, privilege, obligation, or liability acquired or incurred under either of those Regulations.

Given under the Seal of Office of the Insurance Commissioners this 21st day of March, in the year one thousand nine hundred and fifteen.

(15)

John Anderson,

Secretary to the Insurance Commissioners.

F. J. AYLMER, Major-General
Adjutant-General in India.

INDIA ARMY ORDERS

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA

Army Headquarters, Simla, the 19th July 1915.

371 The London Gazettes of the 16th, 17th, 18th, 19th, 21st, 22nd and 23rd June 1915, were received at Army Headquarters on the 13th July 1915 371
19th July
1915.

372 Appointments—The Commander in Chief in India is pleased to make the following temporary appointment—

Colonel (temporary Brigadier General) W F. Cockburn, British Service Inspector of Royal Garrison Artillery in India, to be Inspector of Royal Horse and Royal Field Artillery in India, in addition to his own duties Dated 22nd April 1915

373 Appointments—The Commander in Chief in India is pleased to make the following appointment—

Lieutenant Colonel F W D Quinton, Royal Field Artillery to be Inspector of Territorial Artillery, Southern Group Dated 15th June 1915

374 Appointments—Regimental—The Commander-in-Chief of India is pleased to make the following appointments—

14th King George's Own Ferozepore Sikhs—Major E S Earle, Double Company Commander, to be Second in-Command, *vice* Lieutenant-Colonel F A Jacques, killed in action Dated 5th June 1915

43rd Erinpura Regiment—Captain H J H Trueman, Double Company Commander, *pro tem*, is confirmed in that appointment, *vice* Major A H Butler, appointed Second-in-Command, 44th Merwara Infantry Dated 2nd February 1915

375
19th July
1915.

46th Punjabis—Captain R D Beadle, Double Company Officer, to be Double Company Commander, *pro tem*, *vice* Captain D G Robinson, confirmed in that appointment Dated 13th April 1915

124th Duchess of Connaught's Own Baluchistan Infantry—Captain A E Stewart, Double Company Officer, to be temporary Second in-Command, *vice* Major C H K Chauncy, relieved Dated 16th June 1915

2nd Battalion, 6th Gurkha Rifles—Major A J. Strange, Double Company Commander, to be Second in-Command, *vice* Lieutenant Colonel W C Anderson, appointed Commandant, 1st Battalion, 1st King George's Own Gurkha Rifles (The Malaun Regiment) Dated 21st May 1915

Captain H D McLaughlin, Double Company Commander, *pro tem*, 1st Battalion to be Double Company Commander, *vice* Major A J Strange, appointed Second in-Command, and to remain seconded

375 Clothing—British Army—With reference to Army Department letter India Army Order No 615 of 1914, No II 5691 dated 29th June 1915 it has been decided that the provisions of Army Regulations, India, Volume XI, paragraph 86, under which waterproof clothing is allowed for 5 per cent of the normal strength of the garrison during the rains in the stations enumerated in Appendix V, *ibid*, shall be applicable to units of the Home Counties and Wessex Divisions

376 Cantonments—The Government of India has approved of the new cantonment now established at Delhi being designated as the "New Cantonment, Delhi"

377 Books and Forms—The Government of India have sanctioned the reprint of Army Regulations, India, Volume V, Supply and Transport Copies of it will shortly be issued to all concerned by the Superintendent, Government Printing, India, Calcutta

378 Army Orders—The following Special Army Order dated the 29th May 1915, is republished for information —

378

19th July
1915.

XIX. Officers' Kit and Equipment.—The attention of all officers is drawn to the necessity of having all articles of kit and equipment clearly and indelibly marked with their name and unit, before proceeding to join Expeditionary Forces.

Swords (if taken), field glasses, prismatic compasses, watches, etc., should be engraved. Articles of leather should be stamped, and all other articles marked with paint or marking ink, whichever may be most suitable.

379 Passages—Regulations—The following corrections to Army Regulations, India, Volume X, have been approved by the Government of India. They will be included in the October 1915 Appendix to India Army Orders.

Army Department letter
No 17380 I (Q M G-1).
dated 30th June 1915

"Paragraph 105—

Clause (a) is reconstructed as under —

When the medical authorities certify that a sick officer, a sick member of his family, or a sick lady nurse, proceeding to the United Kingdom or the colonies, requires special officer, a to the

Clause (b) —In first line after the words "an officer," insert "lady nurse,".

Clause (c) is reconstructed as under:—

- (a) When an officer or a lady nurse is invalided to the United Kingdom on account of insanity, and a medical board declares an attendant to be necessary, the latter may be given free passage by road, rail, ed. If private entitled medi- ly be

380
19th July
1915.

effectively controlled by a particular individual and that he or she should travel in the same cabin as the patient, a first class passage may be given."

380. Passages—Railway—The following correction to Army Regulations, India, Volume X, has been approved by the Government of India, and will be published in the October 1915, Appendix to India Army Orders —

Insert the following as a new paragraph 167-A —

"In the event of any infectious disease occurring in or subordinate in the side in which the telegram to the commander report the fact by disease may appear, and repeat it to the officer commanding the next military station to be passed *en route*, and to the officer commanding the station of destination

(i) The commander of the brigade in which the disease has occurred will decide, in communication with his medical advisers, whether the whole or any portion of the party are to be detained at any convenient place, he will make all necessary arrangements, and telegraph his orders to the officer commanding the nearest military station at which the telegram is likely to catch the train conveying the infected troops. He will report the action taken at once, by telegram to the Quartermaster general in India and his divisional commander and repeat it to any other commanders of divisions concerned in the movement, to the officer commanding the station of destination, and also to the Director of Medical Services in India in the case of plague or cholera or when the outbreak is severe

(ii) In the case of large concentrations of troops moving on a pre-arranged railway programme the officer commanding the troop train in which cholera or infectious disease occurs will at once inform the railway transport officer at the next long halt relief camp repeating to the officer commanding the nearest military station, his brigade commander and the staff officer at the place of concentration. The railway transport officer will decide in consultation with his medical adviser whether the troops are to be detained at the relief camp and take all action laid down in the Railway Manual, War, Chapter III, Section 26, paragraph 17.

381. Forms.—The following forms have been revised.—

381

A. Form B-116—Application for Court Martial (as modified for India)

19th July
1915.

Pending a reprint, the form will be amended as follows:—

In the left hand margin of the form, insert lengthwise

“President _____

Members { _____ ”

and connect same so that the entry will be the next line to the one which ends with the words “insert name of station”

The reason for this amendment is that it will tend to prevent the convening officer of a Court Martial from inadvertently appointing an officer who has served on the Court of Enquiry to sit on the Court Martial held subsequently, and thus from contravening Rule of Procedure No. 19 (B) (iii).

I A. Form A-115—Contingent Bill

Pending a reprint, the following amendments should be carried out in manuscript—For the words “except those for been” in line 2 of the certificate on page 3, substitute “except those for a personal allowance, for service postage stamps, state telegrams, fees for money orders, or payments to agents and contractors, have been.”

The second sentence of the instructional note 2 on page 4 has been revised as under:—

“ for all pay-
 Rs. 10 or
 for service
postage stamps, state telegrams, fees for money orders, or
payments to agents and contractors, the certificate on the
previous page will suffice”

I A. Form A-275—Budget Estimate, Grant 13, Form of preparation of—.

I. A. Form A-275-A.—Budget Estimate, Grant 13, details of—.

I. A. Form 275-B.—Budget Estimate, Grant 13, details of numbers of men and animals.

These forms should be taken into use at once, any stock on hand of the existing forms being destroyed.

381

I A Form A -337 --Receipts for Army Pensions paid in India

19th July
1915.

Pending a reprint, the following amendments should be carried out in manuscript --

Expunge the word "Examiner" in the 1st and 9th lines

Add at the end of Note II "unless they are in civil employ" Amend the instructional note at the foot of the form as shown below -- "This form when necessary, may be sent by the pension paying officers to the pensioner with an addressed envelope stamped with a service stamp"

I A Form T 1717 --Passage Money Claim

The revised form will be taken into use after the stock of the present form is exhausted

I A Form Z-2001 --List of Army Forms and India Army Forms in use in India etc

The following corrections are made --

Page 34 *Substitute* the following for the existing entries against A -229 and A -230, and *extend* the bracket in the Remarks column to include all these items --

A 229 (a)	G	Detail of estimate for personnel and contingent expenses of the Ordnance Department (Stores Section)	O
A 229 (b)	G	Detail of estimate for personnel and contingent expenses of the Ordnance Department (Manufacturing Section)	O
A 229 (c)	G	Detail of estimate for personnel and contingent expenses of the Ordnance Department (Inspection Section)	O
A -2 (a)	G	Budget estimate, Ordnance Department (Stores Section)	O
A 230 (b)	G	Budget estimate Ordnance Department (Manufacturing Section)	O
A 230 (c)	G	Budget estimate, Ordnance Department (Inspection Section)	O
A 230 (d)	G	Budget estimate, Ordnance Department (D G O)	G

Pages 100 101 *Cancel "O-1334" and all entries opposite* 382

Pages 104-105. *Cancel "O-1408" and all connected en-* 19th Jul
tries 1915.

The following forms have been cancelled —

I A Form O 1334 —Equipment Ledger R H and R. F.
A. Batteries

I A Form O-1408 —Register of carriages

382 Corrigendum—Postal Arrangements—Mediterranean Expeditionary Force —In last line on page 881 of India Army Orders dated the 12th July 1915 for the word "Trust" read "Taufiq"

F J AYLMER, *Major-General,*
Adjutant-General in India

381

19th July 1915. I. A. Form A.-337.—Receipts for Army Pensions paid in India.

Pending a reprint, the following amendments should be carried out in manuscript.—

Expunge the word "Examiner" in the 1st and 9th lines.

Add at the end of Note II "unless they are in civil employ". Amend the instructional note at the foot of the form as shown below:—"This form, when necessary, may be sent by the pension paying officers to the pensioner with an addressed envelope stamped with a service stamp"

I. A. Form T.-1717.—Passage Money Claim.

The revised form will be taken into use after the stock of the present form is exhausted.

I. A. Form Z.-2001.—List of Army Forms and India Army Forms in use in India, etc.

The following corrections are made:—

Page 34. *Substitute* the following for the existing entries against A.-229 and A.-230, and *extend* the bracket in the Remarks column to include all these items:—

A.-229 (a) ..	G	Detail of estimate for personnel and contingent expenses of the Ordnance Department (Stores Section)	O
A.-229 (b) ...	G	Detail of estimate for personnel and contingent expenses of the Ordnance Department (Manufacturing Section).	G
A.-229 (c) ..	G	Detail of estimate for personnel and contingent expenses of the Ordnance Department (Inspection Section)	G
A.-230 (a) ...	G	Budget estimate, Ordnance Department (Stores Section)	O
A.-230 (b) ...	G	Budget estimate, Ordnance Department (Manufacturing Section)	G
A.-230 (c) ...	G	Budget estimate, Ordnance Department (Inspection Section)	O
A.-230 (d) ...	G	Budget estimate, Ordnance Department (D. G. O.)	G

Pages 100 101 *Cancel "O-1334" and all entries opposite* 382

Pages 104 105. *Cancel "O-1408" and all connected en-* 19th July
tries 1915.

The following forms have been cancelled —

I A Form O 1334 —Equipment Ledger R H and R F.
A. Batteries

I A Form O-1408 —Register of carriages

382 Corrigendum—Postal Arrangements—Mediterranean Expeditionary Force —In last line on page 331 of India Army Orders dated the 12th July 1915 *for* the word "Trust" *read* "Taufiq"

F J AYLMEK, *Major-General,*

Adjutant-General in India

SPECIAL.

INDIA ARMY ORDER

BY

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA**

Army Headquarters Simla, the 21st July 1915

Complimentary—The following telegrams are published
for general information—

From His Excellency the Commander-in Chief in India,
to General Botha, Premier and Commander-in-
Chief in South Africa dated 12th July 1915

“Warmest congratulations from the Army in India to
yourself and your troops on your great success

We hope that Indian and South African troops may have
the opportunity of fighting shoulder to shoulder against the
Germans”

From General Botha, Commander in Chief in South
Africa, to His Excellency the Commander in Chief
in India, dated 16th July 1915

“In thanking the Army in India for myself and on behalf
of the South African Forces for its kind congratulations, may
I express our sincere admiration of the fine work done by
that Army in the course of the struggle in which we are all
engaged to achieve a common purpose”

L. J. AYLMER, Major-General,
Adjutant General in India.

INDIA ARMY ORDER

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.

Army Headquarters, Simla, the 21st July 1915.

Organisation—Indian Army—The following instructions are issued with the approval of the Government of India in amplification of India Army Order No. 581 of 1914:—

Army Department letter
No. H-6363, dated 17th
July 1915

- (i) Indian officers, non-commissioned officers and men detached from their units for service with formations other than Cavalry, Artillery, Sappers and Miners, Signal and Infantry Units will be considered for promotion in their own units

A non-commissioned officer promoted to the rank of Indian officer whilst so detached, and if employed in a capacity unsuitable for an Indian officer, will be relieved as soon as possible and will rejoin his own unit or depôt. In all other cases men promoted will continue in their detached employment.

- (ii) A soldier attached to a signal unit will be considered for promotion in that unit. On rejoining his own unit, either at the end of the war, or for any cause at an earlier date, he will carry with him the rank held in the signal unit, and will be absorbed into the first vacancy in that rank that may occur in his own unit and with any antedate, without pay, that his Commanding Officer may see fit to make.

F. J. AYLMER, Major-General,
Adjutant-General in India.

INDIA ARMY ORDERS

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.

Army Headquarters, Simla, the 26th July 1915

383 The London Gazettes of the 21th, 25th, 26th, 28th, 29th and 30th June 1915 were received at Army Headquarters on the 20th July 1915

383
26th July
1915

384 Appointments—The Commander in Chief in India is pleased to make the following *temporary* appointments —

Lieutenant Colonel R W Nicholson, Indian Army, to be Supply and Transport Officer, 1st Class Dated the 14th June 1915

to serve of Officers to be
with effect from the

385 Appointments—Regimental—The Commander in Chief in India is pleased to make the following appointments —

5th Light Infantry—Lieutenant Colonel W L Cotton Second in Command to be Commandant, *vice* Lieutenant Colonel L V Martin, vacated Dated 8th July 1915

31st Punjabis—Captain K McLeod, Double Company Officer, to be temporary Second in Command, *vice* Lieutenant-Colonel H B Ford appointed Commandant 2-67th Punjabis Dated 11th March 1915

81st Pioneers—Major (Temporary Lieutenant Colonel) C R Scott Elliot Double Company Commander, to be Second in Command, *vice* Lieutenant Colonel A M Anderson, appointed Commandant and to remain in his field service appointment

Captain B G Peel, Double Company Officer, to be Double Company Commander, *pro tem* to fill an existing vacancy, and to remain in his field service appointment

386

26th July
1915.

42nd Punjab — Lieutenant Colonel T R MacLachlan,
Second in Command, in Punjab, to be Commandant
vice Lieutenant-Colonel H L Goodenough, vacated Dated
3rd July 1915

386 Equipment — The Government of India have sanctioned the provision of an additional stencil plate for marking

Army Department letter No 42367 (O S) dated 3rd July 1915

ing packages with the address of the Ordnance establishment on which dependent, to all Indian infantry units and Ammunition Column Sections, Q F 11, and 18 pr Royal Horse Artillery and Royal Field Artillery when dependent on an Ordnance depot for the supply of small arm ammunition

387 Equipment—Artillery—The Government of India

Army Department No 5511 (O S) dated 1st July 1915

have sanctioned, as a temporary measure, the issue of 5 "Buckets rifle cavalry" to each Royal Horse Artillery Ammunition Column and 5 to each Royal Field Artillery Ammunition Column

388 Correspondence — The Government of India have sanctioned the immediate move of the office of the Director of Ordnance Inspection from Naini Tal to Simla that office will close at Naini Tal on the 24th July and re open at Simla on the 26th July 1915. Pressing references and telegrams can be received at Naini Tal up to the 24th July, but all ordinary correspondence which cannot reach Naini Tal by the 20th July should be addressed to Simla

The office of the Director of Ordnance Inspection will, on the 26th July, move to the Ordnance Branch, Army Headquarters, Simla, on matters dealt with by the Ordnance Branch, Army Headquarters, Simla, addressed as follows —

Telegrams—Ordnance India,

Simla

Postal articles—The Director General of Ordnance,

Army Headquarters,

Ordnance Branch,

Simla.

389 Instructions for Practice, India, 1915-16 — With reference to India Army Order No 394 of 1914, it is notified for information that the following "Instructions for Practice" will remain in force for 1915-16 —

389

26th July
1915

- (i) Horse Field, Mountain and Heavy Artillery, 1914-15
- (ii) Royal Garrison Artillery, Inland Defences and Moveable Armament, 1914-15
- (iii) Practice Seawards Royal Garrison Artillery, Coast Defences, 1914-15

The practice carried out under (ii) and (iii) during 1915-16 will be "Instructional"

Attention is directed to the 'Notes' and 'Further Notes on Artillery in the present war' issued with the Chief of the General Staff's letter No 11099 Is, dated the 26th April 1915. These notes together with the remarks of the Chief of the General Staff conveyed in the above mentioned letter should be carefully studied and applied as far as they pertain to conditions in India.

390 P
reference

Army Dept
6222 dated 12th July 1915. The Government of India have decided that during the present war, the recovery of hospital stoppages shall be waived in the case of all ranks who have been, or may be admitted to military hospitals on account of wounds received or illness contracted while on service in the field.

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391 Pay and Allowances—Separation Allowance — With reference to India Army Order 215 of 1915 and paragraph 10 of India Army Order 266 of 1915 it is notified that the issue of separation allowance to dependants of soldiers of British units and Army Reserve serving in India will

be made with effect from the 1st March 1915 if application has been made before the last day of April by the dependant or before the last day of May by the soldier. In other cases issue will be made, if admissible from the date of the first application.

2 The heading to paragraph 10 of India Army Order 286 of 1915 should be amended to read "British units in India families and Dependants resident in the United Kingdom."

392 Pay and Allowances—It is notified for information that, with the approval of the Secretary of State for India the Government of India have been pleased to sanction the grant of special allowances as noted below to Territorial units while actually serving within Indian limits with effect from the dates on which these units landed in this country. In the case of units serving at defended ports, it is left to their discretion to draw the special allowances in lieu of field service rations, but both cannot be drawn at the same time—

Lieutenants	One rupee per diem
2nd Lieutenants	Two rupees per diem
Warrant and non commissioned officers and men	Three annas per diem

393 Exchange—Foreign Money—It is notified for information that there is a reserve of foreign money held by the English and French, in the Bombay Treasury, and the attention of Officers Commanding Units and individuals proceeding in service is directed to the advantage of converting their Indian currency before embarking. If regiments or individuals so desire, arrangements can be made by them with the Divisional Disbursing Officer for cheques in their favour to be sent out on Bombay Treasury, where they can get coinage, or Indian currency sent to pay expenses on destination.

394 Postal arrangements—Hongkong—It is notified for information that correspondence and parcels addressed to the troops of the British contingent, China Field Force, stationed at Hongkong, will in future be subject to *Indian inland rates of postage*

394

28th July
1915

395 P
graph 109
Army Dep
No. 23633 I (Q M G I)
dated 7th July 1915

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arding
mvey-
ance for chargers when moving on
permanent duty within Indian limits
~~are~~ applicable not only to cases of transfer from one military
appointment to another but also to those of transfer or rever-
sion of officers from civil to military duty.

396 Legal and Judicial—Indian Army—The following Notification which appeared in the *Gazette of India*, Army Department No 634, dated 2nd July 1915, is republished for information, with reference to India Army Order No 261 of 1915 —

GOVERNMENT OF INDIA

ARMY DEPARTMENT

Judicial

No 634—In pursuance of section 2 of the Indian Soldiers (Litigation) Ordinance, 1915 (II of 1915), the Governor-General in Council is pleased to declare that service in India under the following circumstances shall be service under war conditions, namely —

When the Indian soldier is under orders to proceed on field service, or when the unit to which such Indian soldier belongs is mobilised, or when the commanding officer of the unit to which such Indian soldier belongs certifies that, by reason of the state of war now existing such Indian soldier is otherwise precluded from obtaining leave of absence, to enable him to prosecute or defend his suit.

397. Legal and Judicial.—The Bill was introduced in the House of Commons on 20th July 1915, and was read a first time. It was then referred to a Select Committee, which reported on 11th August 1915. The Bill was then read a second time, and passed on 11th August 1915.

ARMY (TRANSFERS) ACT, 1915

[5 AND 6 GEO. 5, CH. 43.]

[19TH MAY 1915]

AN ACT TO AMEND THE ARMY ACT, 1906, IN RELATION TO THE TRANSFERS OF SOLDIERS DURING THE PRESENT WAR.

Enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same, as follows:—

1. Where for the purposes of the present war it is necessary in the interest of the efficiency of His Majesty's military forces to transfer any soldier from one corps to another, the soldier may notwithstanding that that corps is not of the same arm or branch of the service as the corps in which the soldier was previously serving

Provided that where a soldier is under this section transferred without his consent to a corps of an arm or branch of the service other than that in which he is serving he shall not by reason of such transfer be deprived of any pay or allowances of which he was in receipt at the date of transfer should such pay and allowances be more advantageous to him than the pay and allowances of his rank in the corps to which he is transferred.

Provided also that so soon as convenient after the conclusion of the present war any soldier transferred under the provisions of this Act shall, if he so desire, be retransferred to the corps in which he was serving at the time of the transfer.

Short title

2. This Act may be cited as the Army (Transfers) Act, 1915.

concerned

2 Commanding Officers of troops travelling by rail are responsible for the recovery of these charges when the Officer Commanding the train or party certifies to the damage having been done by the troops

3 When the individual or individuals responsible cannot be discovered the damage will be charged equally to all men in the compartment or carriage

Charges preferred against parties *en route* to a port of embarkation which are not settled on arrival of trains at place of destination, will be notified immediately to the embarkation authorities who will arrange for the settlement of the claims, if possible, before the men leave the country. If not possible, the Commandant, Discharge Depot Gosport, will be addressed on the subject with a view to recovery being effected before the men take their discharge from the service

4 Army Regulations, India, Volume X, will be amended

Army Department letter
No 83113 (D M S)
dated 26th June 1915

399 Erratum—In line 4 of
India Army Order 119 of 1915 for
“ 5th June ” read “ 2nd June ”

F J ALLMFR, Major-General,
Adjutant-General in India

6

ANNEXURE TO INDIA ARMY ORDER No. 718 OF 1915.

(ENCLOSURE TO RAILWAY BOARD CIRCULAR No. 1217-1915
DATED THE 30TH OCTOBER 1906.)*Revised schedule of charges to be made for loss of stock caused by fire or other causes on the railways in India*

No	Description of article	Amount	
		£ gauge	Rs. gauge.
	BRASS FITTINGS	Rs. A. P.	Rs. A. P.
1	Bathroom or closet door bolt or catch, broken or deficient	£ 5 0	0 8 0
2	Bathroom or closet fastener or latch handle and plate broken or deficient	2 0 0	2 0 0
3	Bolts, brass, broken or deficient	1 0 0	0 12 0
4	Bye-pass or indicator plate, brass, broken or deficient	0 8 0	0 6 0
5	Bye-pass knob, brass, broken or deficient	2 0 0	2 0 0
6	Do. or regulator handle, brass, broken or deficient	2 0 0	2 0 0
7	Catch for sliding door, broken or deficient	1 0 0	1 0 0
8	Chain and plug for hand basin, broken or deficient	1 0 0	0 6 0
9	Escutcheon for door lock, brass, broken or deficient	0 8 0	£ 8 0
10	Finger lift for shutter or venetian, broken or deficient	0 8 0	£ 8 0
11	Gas pendant, broken or deficient	2 0 0	2 0 0
12	Handle, door carriage, brass, broken or deficient	2 0 0	2 0 0
13	Handle, door sliding, brass, broken or deficient	£ 4 0	£ 4 0

No.	Description of article	AMOUNT.	
		3' 6" gauge	Metro gauge
BRASS FITTINGS—contd.		Rs. A. P.	Rs. A. P.
14	Handle door, khushkus titties, broken or deficient	3 0 0	3 0 0
15	Hat peg, brass, small size broken or deficient	1 0 0	1 0 0
16	Ditto large size ditto	2 0 0	2 0 0
17	Hinge brass butt ditto	0 8 0	0 8 0
18	Ditto commode ditto	2 13 0	2 13 0
19	Ditto door carriage ditto	1 8 0	1 8 0
20	Lamp ring for glass bowls ditto	3 0 0	3 0 0
21	Do screen ring ditto	0 8 0	0 8 0
22	Do do catch ditto	0 8 0	0 4 0
23	Net hat bracket ditto	3 0 0	2 8 0
24	Water cock, brass ditto	3 0 0	2 8 0
Doors			
25	Closet door II class broken	5 0 0	3 0 0
26	I class door deficient or destroyed	50 0 0	33 0 0
27	II ditto ditto	43 8 0	23 0 0
28	III ditto ditto	35 8 0	13 0 0
29	I ditto seriously damaged	30 0 0	25 0 0
30	II ditto ditto	20 0 0	15 0 0
31	III ditto ditto	18 0 0	10 0 0
32	I ditto slightly damaged	10 0 0	8 0 0
33	II ditto ditto	6 0 0	6 0 0
34	III ditto ditto	0 0 0	1 0 0
35	Door of lavatory seriously damaged	13 0 0	8 0 0
36	Ditto slightly damaged	0 0 0	4 0 0
37	Door pillar broken	5 0 0	3 0 0

No	Description of article	AMOUNT.	
		5 6" gauge.	Metre gauge
IRON FITTINGS		Rs. A P	Rs. A P
38	Bed rest bracket of ambulance broken or deficient, each	1 8 0	1 0 0
39	Bed hanging chain of ambulance broken or deficient, each	2 0 0	1 0 0
40	Bed hanging hook of ambulance broken or deficient, each	0 8 0	0 4 0
41	Bye-pass key for gas fittings broken or deficient, each	0 10 0	0 10 0
42	Hooks and eyes missing	1 0 0	1 0 0
43	Panel iron, large damaged	3 0 0	3 0 0
44	Ditto small do	2 0 0	2 0 0
LEATHER AND CANVAS		5 6" gauge	Metre gauge
		Rs. P	
45	Ceiling cloth, damaged	From 5 to 10	According to the extent of the damage
46	Cushion canvas torn or cut up to 6" and upwards.	From 3 to 8	
47	Cushion imitation leather cloth torn up or cut up to 6" and upwards	From 5 to 15	
48	Cushion leather torn or cut up to 6" and upwards.	From 10 to 15 from 5 to 15	
49	Cushion, canvas deficient	10 0 0	10 0 0
50	Do imitation leather cloth deficient	15 0 0	15 0 0
51	Do leather, deficient or destroyed	20 0 0	20 0 0
52	Door, stop, leather d tto	0 8 0	0 4 0
53	Do sunshade canvas d tto	2 0 0	2 0
54	Pillow, leather d tto	12 0 0	8

No	Description of article	AMOUNT	
		6 gauge	Metre gauge
	LEATHER AND CANVAS—continued	Rs. A P	Pas. A P
54	Flow leather deficient or destroyed	12 0 0	8 0 0
55	" damaged	5 0 0	2 5 0
56	Window leather strap-long deficient	3 0 0	2 0 0
57	short	1 0 0	1 0 0
	MISCELLANEOUS		
58	Bracket and lifting table broken or deficient	0 0 0	0 0 0
59	Break bar in covered goods*	0 0 0	6 0 0
60	Cane back seat	2 8 0	2 0 0
61	Door glass frosted or tinted broken†	7 8 0	7 8 0
62	Do frame broken	1 8 0	1 8 0
63	Door safety catch missing	1 0 0	1 0 0
64	" stop staple "	0 8 0	0 8 0
65	Door sunshade boards broken each	1 0 0	1 0 0
66	Electrical light lamps broken each	1 8 0	1 8 0
67	End fascia board broken	2 0 0	2 0 0
68	sunshade board of brake van broken	1 0 0	1 0 0
69	Filter earthenware Saloon (N G S Ry) broken	25 0 0	1 0 0
70	Flap doorboards covered goods broken	5 0 0	5 0 0
71	Gas globe broken	3 0 0	3 0 0
72	Gas lamp reflector damaged or missing	from Rs 2 to	2 0 0
73	shades cloth (Eastern Bengal State Railway) each	Rs 1 0 0	1 0 0

* These charges are only payable when it is proved that the damage has been caused through culpable negligence on the part of the owner or attendants; damage caused by horses or cattle being covered by the fares as in the case of similar articles sent by the public.

† When the glass is in two pieces with a partition in the centre of the frame half rate should be charged unless both glasses are broken; rupee one only if pure accidental.

No	Description of article	AMOUNT	
		5 6" gauge	Metro gauge
MISCELLANEOUS—cont			
74	Gas lamp shades cloth lined with monogram (Eastern Bengal State Railway) each	Rs A P 2 0 0	Rs A P - 0 0
75	Horse box end panel (wood) broken*	8 0 0	8 0 0
76	" padding damaged*	From Rs 5	to Rs 5
77	" window shutter broken	3 0 0	3 0 0
78	" stall post "	8 0 0	8 0 0
79	Label boards large missing each	3 0 0	3 0 0
80	Label boards small, missing	3 0 0	3 0 0
81	Lamp roof broken or missing each	12 0 0	12 0 0
82	Lamp screen broken	1 0 0	1 0 0
83	" glass "	- 8 0	- 8 0
84	Looking glass large broken	10 0 0	8 8 0
85	Net hat rack destroyed	3 0 0	3 0 0
86	Padlock and key deficient	3 0 0	3 0 0
87	Padlock and keys (with chains) for wagons missing each	3 8 0	3 8 0
88	Panel wooden broken	3 0 0	2 8 0
89	Partition boards in trucks damaged*	2 8 0	2 8 0
90	Pipe for water-supply lead per foot	1 0 0	1 0 0
91	" " copper "	1 0 0	1 0 0
92	Reading lamp broken or deficient	25 0 0	25 0 0
93	" glass broken "	5 0 0	5 0 0
94	Removing centre seats from II class compartment	5 0 0	5 0 0
95	Removing eyebolt with padlock when key is missing	3 0 0	3 0 0
96	Ring seat or commode cover broken or deficient	2 0 0	1 0 0

* These charges are only leviable when it is proved that the damage has been caused through culpable negligence on the part of the owner or attendants; damage caused by horses or cattle being covered by the fares, as in the case of animal animals sent by the public

No	Description of article	AMOUNT	
		5 6 gauge	Metre gauge
	MISCELLANEOUS—no old	Rs A P	Rs A P
97	Roof lamp shades damaged	3 0 0	2 8 0
98	Side sunshade board I and II class broken	2 0 0	2 0 0
99	Ditto III Ditto	1 0 0	1 0 0
100	Do fascia board broken	5 0 0	5 0 0
101	Do board (brake van) broken	1 0 0	1 0 0
102	Shutter broken	4 0 0	3 0 0
103	Do of upper window, broken	3 0 0	3 0 0
104	Soap, dish broken	1 0 0	1 0 0
105	Stop bracket for upper berths broken or deficient	2 0 0	2 0 0
106	Stoves cooking seriously damaged	30 0 0	30 0 0
107	Do slightly do	5 0 0	5 0 0
108	Top light small, in II class damaged	3 0 0	3 0 0
109	Towel rack lavatory broken or deficient (N G S Railway)	0 15 0	0 15 0
110	Troughs in cattle trucks deficient*	0 0 0	0 0 0
111	Upper bunk strap with buckle deficient	0 2 0	0 2 0
112	Venetian frame broken or deficient	3 8 0	3 0 0
113	Ditto louver broken, each	0 8 0	0 8 0
114	Wash hand basin broken	20 0 0	20 0 0
115	Window glass, broken I and II class carriage†	6 0 0	0 0 0
116	Ditto I & I ditto	4 0 0	4 0 0
117	Ditto frame, broken	1 8 0	1 6 0

* These charges are only when it is proved that the damage has been on the part of the owner or attendant; covered by the fare, as in the case of

† With a partition in the centre of the frame as both glasses are broken rupee one only if

I J. AYLMER, Major-General,
Adjutant General in India.

SPECIAL.

INDIA ARMY ORDER

BY

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.**

Army Headquarters, Simla, the 29th July 1915.

*Persons subject to the Indian Army Act who are reported
missing. Issuing instructions as to pay and payment of family
allotments and pensions*

With reference to Special India Army Order, dated 14th
December 1914, it has come to notice
Sanctioned under Army Department letter No. 6189, dated 23rd July 1915, that the exigencies of the service have caused unavoidable delay in the assembly of the courts of enquiry on persons reported missing, referred to in Section 136, Field No. 1, of the Army Act, 1907, before, been decided the issue of pay and pensions of persons subject to the Indian Army Act who may be reported missing.

It should be understood that the person's estate will not be legally wound up until he has been declared officially to be dead or until one year has elapsed from the date on which intimation was received at the depot that the man was missing.

1. The pay of a person subject to the Indian Army Act who is reported missing while on field service with any of the Expeditionary Forces during the present war, should be credited in his pay account for a period of two months only from the date on which intimation is received at the unit or depot in India that the man is missing. In the case of a man who was making a family allotment, the man's family will, however, continue to be paid, up to a period not exceeding seven months (but see last clause of paragraph 5), the rate of family allotment which the man was making at the time when he was reported missing. These payments will be credited to the man's account and be remitted by the unit in India.

2 If the news of the man's death is received before the expiry of the two months, his pay should be credited only up to the date of his death

3 If there is definite evidence that a missing man was alive on a date subsequent to the expiry of the two months, his pay should be credited up to and including that date

4 If a man reported missing afterwards rejoins, or is found to be a prisoner of war or interned in a neutral country not by his own fault, the arrears of pay will be credited to his account

5 Death will be presumed after a period of six months from the date on which intimation was received by the unit or at the depot in India that the man was missing, and steps will be taken for the admission of family pension. This pension will in all cases be granted at the higher (killed in action) rate unless any evidence is forthcoming to the contrary. Unless family pension has been previously admitted, the allotment will be continued up to a period of seven months

6 As the family allotment may be more or less than the family pension admissible, the latter should be granted from the original date of the casualty, any allotment paid in excess being waived, and any deficiency between the allotment and the family pension being paid to the heir

7 This order will apply retrospectively to the cases of soldiers already reported missing during the present war.

1 J AYLMER, Major General
Adjutant General in India

SPECIAL.

INDIA ARMY ORDER

BY

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA**

Army Headquarters Simla the 27th July 1915

Separation allowance—Time limit for applications for separation allowance for soldiers' dependants—In continuation of India Army Order '86 of 1915, it is notified that for the future, to secure consideration of applications for separation allowance for their dependants, soldiers must make application to their commanding officer (on Army Form O 1638) within one calendar month from the date of their enlistment

(2) In cases in which a soldier dies before the above period has elapsed and no application has been made by him, claims can only be considered when it is shown that the soldier by and his own control if the dependant applies the soldier's enlistment

(3) In the case of soldiers serving on or before the date of this order claims will be considered if an application has been received not later than 1st August 1915 —

(a) by the commanding officer from the soldier (on Army Form O 1638) if the soldier is serving in India,

(b) by the Divisional Disbursing Officer from the dependant if the soldier is serving out of India. (In this case decision on the claim will be deferred until reference has been made to the soldier)

(4) In cases in which the soldier has died before the date of this order application must be made not later than 1st August 1915

(5) Commanding officers will take steps to ensure that the contents of this order are carefully explained to all non-commissioned officers and men under their command and that newly-enlisted men are informed, as soon as possible after joining, of the procedure necessary in order to obtain separation allowance for their dependants.

F. J. AYLMER, *Major-General,*
Adjutant-General in India.

INDIA ARMY ORDERS

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA,

Army Headquarters, Simla, the 2nd August 1915

400 The London Gazettes of the 1st, 2nd, 3rd, 5th, 6th and 7th July 1915 were received at Army Headquarters on 23rd July 1915

400
2nd Aug.
1915.

401. Appointments.—The Commander-in-Chief in India is pleased to make the following appointments —

Colonel T E Dyson, I M S, to be Deputy Director, Medical Services in India, with effect from the 12th July 1915, *vice* Colonel H Hendley, I M S., vacated

Lieutenant-Colonel H Fooks, I M S, to be Assistant Director, Medical Services, Burma Division, with effect from the 10th July 1915, *vice* Colonel T E. Dyson, I M S, vacated

Captains A H Watts, T Timbrell and J E. Home, Indian Army, to be Supply and Transport Officers, 3rd Class, with effect from the 20th July 1915

402 Appointments —The following officers of the Indian Army Reserve of Officers have been attached to the Supply and Transport Corps —

To be Supply and Transport Officer, 4th Class.

Captain M S. O Connor Dated 12th May 1915

To be Supply and Transport Officer, 5th Class.

Lieutenant C. B. Oakley Dated 30th June 1915.

403

*To be Supply and Transport Officers, 6th Class*2nd Aug.
1915.

2nd Lieutenant A Melish	Dated 18th May 1915
" " E B Martin	20th May 1915
" " C E H Coles	22nd May 1915
" " J J Rodgers	31st May 1915
" " A W Mercer	4th June 1915
" " A B Webb	6th June 1915
" " G Keatinge	14th June 1915
" " V O Angelo	2nd June 1915
" " H J Fraser	21st June 1915
" " J P Sulley	24th June 1915
" " R N D Smith	25th June 1915
" " A B Blake	11th July 1915

403 Appointments—The Commander in Chief in India is pleased to make the following temporary appointments—

Major W Broughton Chambers, V D, Bombay Volunteer Artillery, to be Supply and Transport Officer, 3rd Class, dated the 19th April 1915

Lieutenants H S Hodges and G D Roger, Indian Army Reserve of Officers to be Supply and Transport Officers, 5th Class with effect from the 16th July 1915

404 Appointments—Regimental—The Commander in Chief in India is pleased to make the following appointments—

33rd Punjab—Major H N Kelly, Double Gilt, Commandant, to be Second in Command (see Lieutenant-Colonel T H MacLachlan appointed Commandant, 92nd Punjab) Dated 3rd July 1915

405 Appointments—Erratum to India Army Order No 316 of 1915—For "5th June 1915" read "7th June 1915" in the appointment of Major C W J Melville, I M S, as Assistant Director Medical Services (Indian Service)

406*. Complimentary.—The following telegrams are published for general information :—

406

2nd Aug.
1915.

From His Excellency the Commander-in-Chief in India, to General Botha, Premier and Commander-in-Chief in South Africa, dated 12th July 1915.

" Warmest congratulations from the Army in India to yourself and your troops on your great success

We hope that Indian and South African troops may have the opportunity of fighting shoulder to shoulder against the Germans "

From General Botha, Commander-in-Chief in South Africa, to His Excellency the Commander in Chief in India, dated 16th July 1915

" In thanking the Army in India for myself and on behalf of the South African Forces for its kind congratulations, may I express our sincere admiration of the fine work done by that Army in the course of the struggle in which we are all engaged to achieve a common purpose "

407 Appointments—Station Staff—It is notified for information that the status of the Army Department letter No II-4195, dated 19th July 1915 appointment of Station Staff Officer at Spalkot has been reduced from 1st to 2nd class as a temporary measure during the period of the war

408 Leave—The undermentioned officer is granted leave out of India —

Brigadier-General K E Lean, CB, British Service, Inspector of Volunteers, for 6 months on medical certificate under Army Department letter No II-4774, dated the 10th May 1915 and paragraph 226, Army Regulations, India, Volume II

409 Officers—Unemployed—On completing the tenure of his appointment as Military Deputy Auditor General, Northern Army, Colonel B Scott Indian Army, is permitted to reside out of India.

410
2nd Aug.
1915.

410. Supply and Transport — With the approval of the Right Hon'ble the Secretary of State, the Government of India sanction the following measures with a view to improving the conditions of service of Transport personnel —

Army Department No
H 5720 dated the 1st June
1915

- (a) Increase of Re 1 per mensem in the pay of naicks, ^{*Or dafadar of old estab} lance-naicks* and drivers ^{ishment} serving with Mule (or Pony) Transport, both "Service" and "Local"
- (b) Compensation for dearness of provisions, or compensation in lieu of rations or free rations (as the case may be) in localities where these are authorised on the combatant scale, to lance naicks and drivers of Mule (or Pony) Transport, both "Service" and "Local"
- (c) Free issue of 3 lbs firewood per diem, under the same conditions as allowed to the Indian Army to quartermaster and kot-dafadars, naicks, lance naicks†, drivers, clerks and 3rd and 4th class transport veterinary assistants, serving with the marginally‡ noted classes of Transport, both "Service" and "Local"

The above concessions will have effect from the 2nd June 1915. The increase of pay at (a) is authorised as a permanent measure, but the concessions at (b) and (c) are sanctioned for the period of the present war only, or until further orders.

L

411 Equipment—Cavalry —The Government of India has sanctioned the annual supply of the ^{tioned stores} to all cavalry ⁱⁿ of "D" to of safety of

Army Department letter
No 2361. (O S) dated
16th July 1915

410
2nd Aug.
1915.

410. Supply and Transport.—With the approval of the Right Hon'ble the Secretary of State, the Government of India sanction the following measures with a view to improving the conditions of service of Transport personnel —

Army Department No
H 5720 dated the 21st June
1915

- (a) Increase of Re 1 per mensem in the pay of naicks,
Or dafadar of old estab lance-naicks and drivers
lishment serving with Mule (or
Pony) Transport, both "Service" and "Local"
- (b) Compensation for dearness of provisions, or compensation in lieu of rations or free rations (as the case may be) in localities where these are authorised, on the combatant scale, to lance-naicks and drivers of Mule (or Pony) Transport, both "Service" and "Local".
- (c) Free issue of 3 lbs firewood per diem, under the same conditions as allowed to the Indian Army to quartermaster and kot dafadars, naicks, lance naicks†, drivers, clerks and 3rd and 4th class transport veterinary as 1st unit, serving with the marginally† noted classes of Transport, both "Service" and "Local".

†Or dafadar of old Estab
lishment

‡Mule (or Pony) Camel
(but excluding saddlers of
Saddler Camel Corps) Bul
lock, Elephant

2 The above concessions will have effect from the 2nd June 1915. The increase of pay at (a) is authorised as a permanent measure, but the concessions at (b) and (c) are sanctioned for the period of the present war only, or until further orders.

Z.

411 Equipment—Cavalry—The Government of India has sanctioned the annual supply of the undermentioned stores to all cavalry regiments in possession of "Detonators, No 8, with 2 feet of safety fuze attached" for the

Army Department letter
No 236-L (Q) 43, dated
1st July 1915

purpose of closing the lids of cylinders containing such detonators

412

2nd Aug.
1915.

Stores		Scale per regiment.
Methylated spirit	...	galls 0 0 1
Shellac, orange	..	lbs 0 1 0
Tape, white, 7 8 inch		yds 4 0 0
Turpentine ..		galls. 0 0 1
Beeswax	...	lbs. 0 1 4

412 **Organization—Signal Service**—It has come to notice that the instructions issued from time to time as to the manner of dealing with the case of men attached to the Signal Service are inconvenient.

The following instructions should be promptly and carefully observed by all concerned

British ranks—When men of British units are transferred to the signal service or attached thereto for the duration of the war, and sent to the Signal Service Depot, their last pay certificates should be forwarded at once by the divisional disbursing officer concerned to the Divisional Disbursing Officer, 9th (Poona) Division, through the Officer Commanding Signal Service Depot

The men should be fully armed and equipped, but field service clothing should not be supplied to them.

All documents should be forwarded to the Officer Commanding Signal Service Depot, including—

- A 1. B 278
- A 1. B 265.
- A. F B 120.
- A. F. B 2066 (in duplicate).
- A. F. B 178.
- A F B 121.
- A. F. B 103.

412

2nd Aug.
1915.A F B-122 (Completed as to regimental number,
name, regiment and date of enlistment only)

Army Book 64 (Page 2 only completed).

Identity Disc

National Health Insurance card stamped for week
in which the man leaves his regimentDelivery and receipt vouchers for arms and equipment
(Duplicate attestation papers are eventually sent to the
Adjutant-General in India)British ranks usually remain for some time at the Signal
Service Depôt for further training before proceeding on
service, and units concerned will be notified by the Officer
Commanding when men leave the Depôt*Indian ranks* → When men are attached to the signal ser-
vice for the duration of the war, and sent to the Signal
Service Depôt, they should be paid up only to the date of
leaving their unit, their last pay certificates being forwarded
at once by the divisional disbursing officer concerned to the
Divisional Disbursing Officer, 6th (Poona) Division, through
the Officer Commanding Signal Service DepôtThe men should be fully armed and equipped, but field
service clothing should not be supplied to themThe following documents for each man should be forward-
ed to the Officer Commanding Signal Service Depôt, at the
same time, —

I A I K-1155

I A P. M 1212

A I. B 122 M (Completed only as to number,
name, regiment, and date of enlistment)

A I. B 103

Army Book 64 (Pages 6, 9 and 15 only com-
pleted)

Identity Disc

Nominal roll

Delivery and receipt vouchers for arms, ammunition
and equipment

It should be understood that men usually remain at the Signal Depot for some time under training. When they are sent on service their family allotments will be arranged and paid by the Officer Commanding Signal Service Depot.

413

2nd Aug.
1915.

413 General Provident Fund for Government Servants—With reference to India Army Orders Nos 134 of 1912 and 111 of 1915, the revised rules regulating the Fund, corrected up to the end of March 1915, are published as an annexure to this order.

The advantages of subscribing to the Fund should be brought to the notice of temporary officers in whose case subscription is optional under Note 1 to Rule 1.

414 Pay and Allowances—The attention of all concerned is invited to Army Order XV, dated the 25th May 1915, on the subject of the pay and allowances of

drafted with a view to service overseas. The Government of India have been pleased to decide that the provisions of the above order shall be applicable to India.

415. Pay and Allowances—Separation Allowance—The attention of all concerned is invited to Army Order II of the 5th June 1915, regarding the payment of separation allowance and allotments of pay, Territorial Force.

416 Army Orders—Attention is invited to the following Army Orders, dated 1st May 1915—

No. 185.—Territorial Force Regulations, Amendments.

No 188—Territorial Force, Transfers from one unit to another.

417 Followers—It is *that the*
 annual allotments to Indian
 Order No 201 of 1913,
 tickets by rail for regimental followers, should be placed at
 the disposal of Officers Commanding Depots of Indian units
 Army Department letter while the units are on field service,
 No 277081 (A G 5) dated but the expenditure admissible in
 29th June 1915 such depôts will be limited to 20
 per cent of the depôt and not the regimental follower strength

418 Exchange on the Mexican Dollar—Intimation
 has been received from the Treasury Chest Officer, Hong
 Kong, that the official rate of exchange on the Mexican
 Dollar for the month of July, 1915, will be one shilling and
 nine pence halfpenny at Hong Kong and on the C
 stations

419 Clothing—Regulations—The following am
 ment to Army Regulations, India, Volume VI, has
 approval—

Paragraph 153 In the second clause *but he*
 word "allowance" insert *plus the amount*
 brot en period (if any) of the preceding year *the former*
at

420 Passages—Railway—The following ch
 made to the annexure to Special India Army Or
 the 12th March 1914

Paragraph 6, clause (1) is reconstructed as follows—

(d) These rules and rates will not apply to the
 ing railways on which full public tariff rates will be char

Bura Jagat Railway, Baggal-Dooars Railway, Bow
 put-holir Railway, Cutch State Railway, Dibr Sa
 Railway *way, Dibr Sa*
 Idara (Dilli)-Shinar
 tion of the Rohilkund

Insert as Clause 6 (1)

'Over the Darjeeling-Himalayan Railway contract n
 are charged'

2 In his Army Order No 707, dated 25th December 1
 is cancelled

421*. Organisation—Indian Army —The following instructions are issued with the approval of the Government of India in amplification of India Army Order No 561 of 1914 —

421

2nd Aug.
1915.

- (i) Indian officers non commissioned officers and men detached from their units for service with formations other than Cavalry, Artillery, Sappers and Miners, Signal and Infantry Units will be considered for promotion in their own units

A non-commissioned officer promoted to the rank of Indian officer whilst so detached, and if employed in a capacity unsuitable for an Indian officer, will be relieved as soon as possible and will rejoin his own unit or depot. In all other cases men promoted will continue in their detached employment

- (ii) A soldier attached to a signal unit will be considered for promotion in that unit. On rejoining his own unit either at the end of the war or for any cause at an earlier date he will carry with him the rank held in the signal unit, and will be absorbed into the first vacancy in that rank that may occur in his own unit and with any antedate, without pay, that his Commanding Officer may see fit to make

422 Corrigendum—In India Army Order No 317, dated 21st June 1915, against the name of 2nd Lieutenant Watson, Indian Army Reserve of Officers, for "8th May 1915" read "7th May 1915"

F J AYLMER *Major-General*
Adjutant General in I

* Issued as a Special India Army Order dated 21st June 1915

ANNEXURE TO INDIA ARMY ORDER No 419 OF 1915

RULES REGULATING THE GENERAL PROVIDENT FUND

(Corrected up to the end of March 1915)

Scope of Fund

The fund will be a general fund open to all civil officers in permanent pensionable and non pensionable posts in service which is superior within the meaning of Article 396 of the Civil Service Regulations, but it shall not be open to subscribers to the State Railway Provident Fund or any class of officers for whom a compulsory family pension fund has been established.

NOTE 1 —Persons appointed on probation to substantive appointments are eligible to subscribe to the fund.

NOTE 2 —Section writers who are members of fixed establishments are eligible to join the fund subscriptions being levied on their actual monthly earnings.

NOTE 3 —Patwaris whether in inferior or superior service in permanent employ are eligible to subscribe to the fund.

NOTE 4 —Patwaris whether in superior or inferior service in temporary employ and all officers in temporary superior service are with the consent of the head of their office eligible to subscribe to the fund; provided that they have been employed or in the opinion of the head of their office are likely to be employed for at least three years.

NOTE 5 —Survey and Settlement Officers whose service counts for pension under Article 381 (a) or Note 1 to Article 381 (b) of the Civil Service Regulations are eligible to subscribe to the fund.

Conditions of membership of new fund, closure of existing Provident Funds

2. As regards officers in the service of Government at the date of the institution of the new fund —

- (a) Officers in whose case subscription to an existing service fund is optional, or who are not entitled to subscribe to such a fund, will be permitted to join the new fund as optional subscribers at any time.

- (b) Officers in whose case subscription to an existing fund is compulsory will be permitted to join the new fund as compulsory subscribers at any time
 - (c) When subscribers to an existing fund join the new fund, their accounts with the existing fund, including any liability for the refund of advances, will be transferred to the new fund
 - (d) Officers who join the new fund, whether as compulsory or as optional subscribers, will cease to be eligible to subscribe to any existing provident fund, with effect from the date of joining the fund
 - (e) The rules applicable to subscribers to existing funds who do not exercise the option of joining the new fund will remain unchanged, but all existing funds will be closed to new subscribers with effect from the date of the institution of the new fund.
3. As regards officers entering the service of Government after the institution of the new fund :—

- (a) Subscription to the new fund will be compulsory in the case of all Europeans and Eurasians in permanent employ on attaining a substantive pay of Rs 100 a month or more.
- (b) All other officers eligible to join the fund will be admitted as optional subscribers.
- (c) The existing service funds specified below will be absolutely closed to future entrants into Government service, namely, the Civil Engineers' Provident Fund and the Provident Funds of the Finance, Police, Geological Survey, Opium, Northern India Salt Revenue, Forest and Civil Veterinary Departments

NOTE.—Temporary Engineers in the Public Works Department appointed on or after the 1st July 1913 and also temporary Engineers already serving in the Department, whose services have been or may be re-engaged for a further period on an increased rate of pay, shall be required to subscribe to the new fund at the rate of 1½ anna in the rupee, or 6½ per cent of salary.

4. If an officer who is entitled to subscribe to the new fund is on foreign service, he shall be subject to these rules, except where otherwise stated, in the same manner as if he were not so transferred

5 (1) In the case of all officers the privilege of optional subscription will lapse if subscriptions are discontinued (otherwise than on leave) more than three times. In the

(11) If an officer subsequent to his becoming a subscriber to the fund be reduced to the position of an inferior servant, he will cease to subscribe to the fund so long as he is not reinstated or re-promoted to superior service, but a final withdrawal of his deposits will be allowed only as provided for in rule 10.

Rate of Interest.

6 Compound interest at 4 per cent will be allowed on subscriptions, but Government reserve the right to reduce this rate any time for officers who become subscribers to the fund after Government have announced their intention of reducing the rate

Rates of Subscription

7 The monthly subscription must not be less than 6½ per cent and not more than 12½ per cent on the salary of

each subscriber for the month; and, as between these two limits, must be at the rate of either $1\frac{1}{2}$, $1\frac{1}{2}$ or $1\frac{1}{2}$ anna in the rupee. If the officer is on foreign service, the subscription will be calculated on his assumed pay.

A subscriber may alter his rate of subscription with effect from the beginning of any financial year, by giving notice before the end of the preceding year.

In the case of an officer on a permanent establishment who is detached on temporary duty under Article 376 of the Civil Service Regulations, subscription should be calculated on the salary actually drawn by him in his temporary appointment.

Similarly, in the case of an officer on deputation, subscription should be calculated on salary *plus* his deputation allowance.

Subscription during leave.

8. Subscription on leave of any kind will be optional. An officer may subscribe any sum he pleases, subject to a minimum of $0\frac{1}{2}$ per cent on the allowances admissible during leave and a maximum of $12\frac{1}{2}$ per cent on salary last drawn on duty.

An officer on reinstatement after a period passed under suspension may be allowed the option of subscribing for that period. In the case of an officer who exercises the option of subscribing to the fund during leave without allowances, or on reinstatement after a period passed under suspension without allowances, it is left to the discretion of the Account officer to determine, in each case, the amount on which subscription should be calculated, the principle to be observed being that half the salary last drawn on leave without allowances, or was placed under suspension without allowances.

Realization of subscription.

9. Subscriptions will be recovered by deduction from pay bills, but they may be made by remittance in cash to the

Audit Office when an officer is in foreign service, or is on leave and draws his leave allowances from a Colonial Treasury

When a subscriber draws his leave allowances from the Home Treasury of the Government of India, his subscriptions may be paid by deductions from leave allowances, the remittances to India being effected by means of the remittance account between England and India, and the credit to the officer's account in the fund in respect of such remittances being given at the rate of fifteen rupees to the £

An officer who desires to subscribe during leave must notify his intention beforehand in order to allow of the deductions from his leave allowances being noted in his leave and pay certificate. He will not be permitted to discontinue subscribing during leave.

An officer who fails to notify his intention to continue to subscribe when proceeding on leave, can subsequently pay his subscription in cash.

Withdrawals on retirement or death

10. (1) Subject to the provisions of this rule, the sum which accumulates to the credit of an officer in permanent employ will, when he quits the service, become his absolute property and be handed over to him unconditionally. An officer holding a temporary post may, on the termination of his appointment, either withdraw the amount standing at his credit or leave it in the fund. Any sums so left in the fund may be withdrawn at any time after the cessation of service.

(2) In the event of an officer's death before retirement, or after retirement but before the money has been handed over,—

(a) it will be divided between his widow or widows and children in accordance with any request that he may have submitted in the prescribed form, which request must state the person to whom sums intended for the benefit of minors are to be paid, or it will be handed to such trustees as the subscriber may appoint by will to administer, for the benefit of his widow or widows and children, the funds standing at his credit at the time of his death,

- (b) failing such a request, it will be divided in equal shares between his widow or widows and children to the exclusion of adult sons and of married daughters whose husbands are alive; any sum due to a minor being paid to the minor's legal guardian to be used for the minor's benefit, or, failing a legal guardian, to any person who, in the opinion of the officer whose duty it is to make payment, is entitled to receive it on the minor's behalf;
- (c) failing a widow and children entitled to participate under (b), it will be distributed among other persons in accordance with any request submitted by the subscriber in the prescribed form; and
- (d) if no such request has been submitted, it will be paid to the legal representative of the estate, as determined by a civil court having competence to pass orders in this respect: Provided that, if the sum remaining at the credit of the depositor does not exceed Rs. 500, it may be paid to such person or persons as the officer making the payment considers to be entitled thereto.

NOTE 1—A husband may be permitted to make a special application for the exclusion of his wife from the benefits of the fund, if she has been judicially separated from him. In the absence of such an application the widow should be treated like an ordinary widow and the sum at the credit of her husband should be divided in accordance with the provisions of rule 10 (2) (b).

NOTE 2—In all cases where a request is submitted under clause (c) above, the subscriber should be called upon to state whether he has a wife or children, and if it happens that he has a wife (not separated) or children, a request under clause (c) should not be entertained.

NOTE 3—The term "children" used in these rules includes the widow and children of the deceased son of a subscriber.

NOTE 4—An adopted child is only recognised as entitled to the rights of a member of the subscriber's family under these rules when under the personal law of the subscriber adoption is legally recognised as conferring the status of a natural child. If doubts arise in an individual case the opinion of the Legal Officer (or corresponding officer), and the opinion of these rules

A declaration in favour of an adopted child is made at subscriber's risk, and can be challenged in the event of his death before retirement, even if it has not been challenged at the time it was made.

(8) Government will not be bound by or recognise—

(a) any assignment or encumbrance executed or attempted to be created by any officer during his service or,

(b) any arrangement which a subscriber may make for the disposal by will of the funds standing at his credit to any person, other than his widow or child—
unless there
be some person from whom the
d

(4) The sum at credit of the officer is not liable to forfeiture on dismissal or on conviction by a Criminal Court, except for an offence for which the penalty of forfeiture of the whole of the offender's property is prescribed by law

(5) Ordinarily, officers should make their own arrangements at retirement to draw in India the sum at their credit in the General Provident Fund. In the case, however, of depositors who retire in England, the Account officers of the fund, on receiving due intimation, shall purchase sterling bills equal to the amount of the deposit. The Account officer in England shall be bound to forward the same to the officer resident in England the Account officer in a similar manner, on receipt of due intimation, shall forward the amount of the deposit to them by sterling bills.

(6) Officers proceeding on furlough preparatory to retirement under a superannuation rule may be permitted to withdraw the deposits at their credit at any time between the date of their proceeding on leave and the date of retirement.

Advances for special purposes

11 (1) No final withdrawal will be allowed until the subscriber is quitting the service or dies. But when the pecuniary circumstances of a subscriber are such that the indulgence is absolutely necessary, a temporary advance not ordinarily exceeding three months' pay may be allowed from the

sum at his credit at the discretion of the sanctioning authority, who shall be—

- (i) the Local Government, for gazetted officers; or such heads of departments as the Government of India or the Local Government, as the case may be, may authorize in this behalf from time to time;
- (ii) the head of the department, for non-gazetted officers in receipt of Rs. 100 per mensem or over;
- (iii) the head of the office, for other officers.

NOTE 1.—The delegation of powers to heads of departments under clause (i) above is subject to the condition that such powers shall be exercised in accordance with the spirit of the rules, and that all cases which in the ~~department~~ ^{Government of India} are of a doubtful nature shall be referred to the Government of India.

NOTE 2.—The following officers exercise the powers of the head of a department under clause (ii) above:—

- (1) Postmasters General.
- (2) Directors of Circles, Telegraph Department.
- (3) The Superintendent, Government Central Press, Bombay.
- (4) The Superintendent, Government Printing, Bengal.
- (5) The Superintendent, Government Printing, United Provinces.
- (6) The Superintendent, Government Printing, Madras.
- (7) The Superintendent, Government Printing, Burma.
- (8) The Superintendent, Government Printing, Punjab.
- (9) The Superintendent, Government Printing, Bihar and Orissa.
- (10) The Controller of Patents and Designs.
- (11) The Director-General of Commercial Intelligence.
- (12) The Chief Inspector of Explosives with the Government of India.
- (13) The Chief Inspector of Mines in India.
- (14) Superintending Engineers in the Public Works Department.
- (15) The Political Resident in Turkish Arabia and His Britannic Majesty's Consul General, Baghdad.
- (16) The Director of Statistics.
- (17) The Director of Ordnance Stores.

- (18) The Director of Ordnance Factories
- (19) The Director of Ordnance Inspection
- (20) The Commanding Royal Engineer, North West Frontier Province
- (21) The Commanding Royal Engineer of a Division
- (22) The Assistant Commanding Royal Engineer, Aden District
- (23) The Garrison Engineer, Rangoon

NOTE 3 —The following officers exercise the powers of the head of an office under clause (iii) above —

Deputy Accountants General

(2) The following may be recognised as legitimate occasions for advances —

- (a) To pay expenses incurred in connection with the illness of a subscriber or a member of his family
- (b) To pay for the passage of any member of a subscriber's family coming from beyond the sea to join him, or requiring to make a journey beyond the sea from some urgent cause
- (c) To pay expenses in connection with marriages, funerals or ceremonies which by the religion of the subscriber it is incumbent upon him to perform and in connection with which it is obligatory that expenditure should be incurred

NOTE —Advances though not confined rigidly to the objects laid down in clauses (a) to (c) above will be made with due regard to the principles contained in those clauses

(3) When one or more advances have already been granted

- (4) (a) Advances will be recovered at the discretion of the sanctioning authority, in not less than twelve instalments or more than twenty-four. A subscriber may, however, at his option make repayment in less than 12 instalments or may repay two or more instalments at the same time

- (b) In determining the advance to be sanctioned, due regard should be paid to the amount of subscriptions lying to the credit of the applicant. The amount of the advance should be a sum expressed in whole rupees and, ordinarily, the monthly instalments should also be in whole rupees, the advance applied for being raised or reduced, if necessary, to enable instalments to be thus fixed.
- (c) Recoveries will be made monthly, commencing from the first payment of a full month's salary after the advance is granted, but no recovery will be made from an officer while he is on leave of any kind. Recovery may also be postponed while an advance of pay granted to him on transfer, or under Article 64 (a) of the Civil Service Regulations, is being recovered.
- (d) When two or more advances are made, each advance should be treated separately, and the monthly deduction of not less than one twentyfourth of each advance should be made until that advance is cleared.
- (e) The instalments will be paid by compulsory deductions from salary, and will be in addition to the usual subscription.

(5) When an advance is repaid, as regards principal, in not less than 12 instalments a 13th instalment, representing interest and equivalent to 3 per cent of the amount of the advance, should be paid in the month following that in which the last instalment is paid. Similarly, an additional instalment equivalent to 6 per cent of the total amount of the advance should be paid when the advance is repaid in more than 12 instalments. In case of a fraction of a higher whole rupee, if it is rounded, if it does not.

Substitution of other forms of life insurance for subscription to the fund.

12. Subscriptions to a recognized family pension fund or payments towards a policy of insurance may, at the option

of subscribers, be substituted for subscriptions to the General Provident Fund, subject to the following conditions —

(i) If the — — — — — substituted shall — — — — — subscription — — — — — month of the officer's monthly salary, the deficiency shall be paid by the officer as a subscription to the General Provident Fund.

(ii) An insurance policy must be on the officer's own life, in which case it is immaterial what form the policy takes, *i.e.*, it may be a life or endowment, or double endowment policy, but it must be such as is legally assignable to Government

NOTE 1 — A guarantee policy which ensures the payment of the sum assured in the event of the policy holder being retired by the Medical Board may be accepted for the purposes of this rule

(iii) Government will not make any payments on behalf

— — — — — insurance company or to a pension fund of not less amount than $6\frac{1}{2}$ per cent of his salary, the Account officer will content himself by demanding periodically to see the receipts or certified copies of the receipt showing that such payments have been made. Failing such receipts he will make the necessary deduction from the officer's salary and place it to his credit in the Provident Fund. Should officers prefer to do so, they may make the usual deduction from their pay bills for credit to the Provident — — — — — officer to draw — — — — — the sums necessary yearly premia.

- (iv) Any sums already at the credit of the officer in the Provident Fund can be withdrawn for payment of premia or for the purchase of a single payment life policy; but the utilization of sums already at credit will not relieve the officer from continuing to make the usual deduction from his current salary within the usual limits of $6\frac{1}{2}$ and $12\frac{1}{2}$ per cent, whether the amount is to be paid into the Provident Fund or towards an insurance policy, except when the officer is on leave and exercises the option allowed by rule 8 to discontinue subscriptions.
- (v) (a) If a policy of insurance matures, not at death, but after a term of years, the sum accruing shall, with the assent of the assured, be drawn by Government and placed at his credit in the fund at 4 per cent compound interest.
- (b) The bonuses which accrue on any policy should be allowed to accumulate with the policy until the latter matures. If, however, it is incumbent on the policy-holder to withdraw them as they fall due, the amounts should be credited in the fund to the subscriber's account.
- (c) The sum which accumulates to the credit of the officer will be dealt with (on his quitting the service or in the event of his death before retirement) in accordance with rule 10 (1).
- (vi) In the event of an officer's interest in a recognized Family Pension Fund, any subscriptions to which shall have been substituted under sub-rule (i) for his subscriptions to the General Provident Fund, ceasing from any cause whatever or of a policy of assurance, any payments for premia on which shall have been so substituted or withdrawn under sub-rule (iv) from sums already at credit of such officer in the General Provident Fund, being allowed to lapse or being assigned, charged, or encumbered (except in favour of Government as hereinafter mentioned), the amounts of the payments or subscriptions so substituted or withdrawn, as the case may be, shall be paid or repaid,

as the case may be, by such officer to the Account officer and may in default be deducted from such officer's salary

- (vii) A policy, the payment or payments for any premium on which shall, under this rule, be substituted for subscriptions to the fund or withdrawn from the sums at credit of a subscriber for the same purpose and which has not already been assigned to the Secretary of State for India in Council and delivered to the Account officer under this rule, shall, within three months after the date of payment or withdrawal, be so substituted for the payment of the premium in the event of lapse of the policy or any assignment, charge or encumbrance thereof or thereon will, under the last preceding rule, become payable by the subscriber to the fund. No payment so made by a subscriber shall be considered as in substitution for any subscription by him to the fund unless and until the life policy shall have been so assigned, and
- case may be, by the officer concerned to the Account officer or may in default be deducted from such officer's salary

- (viii) The assignment of a policy under the preceding rule shall be endorsed on the policy and shall be in the following form —

"I, A. B., of etc, hereby assign unto the Secretary of State for India in Council the within policy of assurance as security for payment of all sums which under rule 12 of the rules of the General Provident Fund I may hereafter become liable to pay to that fund"

A re-assignment to the officer shall be executed and the policy handed back to him unconditionally on his quitting the service. In the event of his death before quitting the service or after retirement but before a re-assignment has been

made, such re-assignment shall be executed in favour of, and the policy handed to, the person or persons entitled to receive it in consequence of his death.

(ix) The rules of insurance companies ordinarily require that assignments shall be registered in their books and subscribers must arrange to send their policies for registration of the assignment, or must give notice of assignment in accordance with the requirements of the rules of the company, before the policies are handed over for deposit to the Account officer.

Reservation of power to Government to alter rules

13. The Government reserve to themselves the power to amend or alter the rules as may be required.

Procedure.

14. The deposits received under the foregoing rules will be credited on the books of the fund. Administration of the Government to an account named "General Provident Fund." The general administration of the fund will rest with the Government of India in the Finance Department. The Account officers for the various departments will generally be the local Accountant General, Comptroller, Examiner or Controller of Accounts, as the case may be, who audits the pay bill of the officers and men subscribing to the fund.

The following are exceptions to the above general rule —

- (1) the Accountant General, Post Office and Telegraphs, will be the Account officer for all officers and employes of the Post Office and the Telegraph Department;
- (2) the Comptroller, India Treasuries, will be the Account officer for all officers of—
 - (a) the Imperial Customs Service;
 - (b) the Indian Finance Department;
 - (c) the Archaeological Surveys, except in Burma, where the local Accountant General will be the Account officer;

- (d) the Imperial Branch of the Civil Veterinary Department,
- (e) the Imperial Branch of the Agricultural Department, and
- (f) the Imperial Branch of the Forest Department, except in the case of the forest officers serving in the Madras and Bombay Presidencies, where the local Accountant General will keep the accounts of officers belonging to the Imperial as well as of those belonging to the Provincial branch of the service.

In the case of officers on foreign service the Account officer who watches the recovery of personal contributions under Article 772, Civil Service Regulations will be the Account officer for the purpose of the fund.

15 A depositor must, when paying his subscription, whether his subscriptions to the fund are received by deduction from bills, or paid in cash, specify the number of his account which will be communicated to him by the Account officer concerned.

16 Interest under rule 6 will be allowed for each calendar month upon the minimum balance of the depositor's account between the close of the fourth day and the end of the month. It will be added to the principal at the end of the official year except when the account is to be finally closed.

17 As soon as possible after the close of each year, every depositor will receive a statement of his account showing the opening balance, the deposits and withdrawals during the year and the closing balance after the addition of interest allowed under the preceding rule. Depositors are required to satisfy themselves as to the correctness of these statements and to sign a receipt therefor. If any sums not included in the account

18 Details of monthly credits and debits will be furnished only if the subscriber brings to the Account officer accounts furnished to him. A depositor may, if he

but not oftener than once a year, ascertain from the Account officer the balance at his credit up to the end of the month for which accounts have been posted and agreed.

19. When, under rule 12 of these rules, a subscriber pays from the sum at his credit in the Provident Fund premia upon a policy of insurance or subscriptions to a recognised pension fund, the Account officer shall indicate the exact account procedure to be followed.

20. The Account officer concerned will endeavour to secure from all depositors, on their first joining the fund, the submission in the prescribed form of the 'request' provided for in rule 10 (2) of the rules. If a depositor desires to revise his declaration he should apply to the Account officer for the necessary form. All such declarations still in force shall be carefully recorded in the personal custody of a responsible officer.

21. Sums remaining unclaimed for a period exceeding six months should be transferred to "deposits" at the end of each year and be dealt with under the ordinary rules relating to "deposits."

G. F. F No 9.

Depositor No

THE GENERAL PROVIDENT FUND.

Form of Declaration.

(For*

depositor)

I hereby declare that in the event of my death the following persons shall be entitled to receive payment of the amount to my deposit in the General Provident Fund in the proportions noted against their names and I make this my will so far as regards such deposits

I also request that the amount payable as above to the minors be paid to the person named below

Name and address of the nominee	Relationship with the subscriber	Whether major or minor If minor state age	Share of the deposit payable	Name and address of the person to whom share is to be paid on behalf of minor	Sex and parentage of person referred to in previous column

Two witnesses to signature

• Here state married or unmarried

Signature

F. J AYLNER, Major-General,

Adjutant-General in India,

BILAO-2284-31715-ECBP Simla

FIELD ARMY ORDER

II

A special field allowance amounting to twenty-five per cent of pay, exclusive of fatta and calculated to the nearest rupee (eight annas and over being taken as one rupee and any thing below eight annas disregarded), shall be granted to all combatant and non-combatant Indian ranks and public followers of the Indian Expeditionary Force including sick, wounded and prisoners of war. In the case of combatants, the increase will be calculated for corresponding ranks on the Infantry scale of pay, including the Rs. 50 brevet pay of a Risaldar and Subidar Major. In the case of followers it will be calculated on the pay allowed by (i) above. In all other cases it will be calculated on the pay admissible under regulations.

The extra twenty-five per cent of pay will not be admissible to followers, who were engaged on special rates of pay higher than those ordinarily allowed in India to similar classes, except to the extent

that the total emoluments of such followers drawing special rates fall below the total emoluments of ordinary followers of the same class admissible under (i) and (ii) above

- (iv) These concessions will commence from the day of landing on the Continent of Europe and cease on the day of embarkation to leave it, and will have retrospective effect from the commencement of the war

F J AYLMER, *Major General,*
Adjutant General in India,
I

INDIA ARMY ORDERS

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.*Army Headquarters, Simla, the 9th August 1915*

423 The London Gazettes of the 8th, 9th, 10th, 12th and 13th July 1915 were received at Army Headquarters on the 3rd August 1915

9th
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424 Appointments—The Commander in Chief in India is pleased to make the following appointments—

Major S R Godkin I M S, to be specialist in Advanced Operative Surgery with effect from the 18th June 1915.

Major E L Parkes, R A M C, to be specialist in Ophthalmology, 5th (Mhow) Division with effect from the 16th July 1915

Major and Brevet Lieutenant Colonel H A Young, Royal Artillery, Indian Ordnance Department to be Director of Ordnance Inspection vice Colonel F. I. Minchin, British Service Dated 28th July 1915.

Captain C E W S Fawcett, R A M C, to be specialist in Midwifery and Diseases of women and children, 9th (Secunderabad) Division, with effect from the 4th April 1915

Captain G E M Hogg, Indian Army, to be Supply and Transport Officer, 3rd class, with effect from the 27th July 1915

Captains A C. Fraser, A S Noake and C. E. A. S. Rocke, Indian Army, to be Supply and Transport Officers, 3rd class, with effect from the 3rd August 1915

2nd Lieutenant P. Watson, The Highland Light Infantry, to be Superintendent of Physical Training, Northern Army, temporarily, until further orders Dated 16th June 1915

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425

9th Aug.
1915.

2nd Lieutenant W. J. Ranger, Prince Albert's (Somerset Light Infantry), to be Superintendent of Physical Training, Southern Army, temporarily, until further orders. Dated 16th June 1915.

2. The appointments of Inspector of Physical Training, Northern Army and Southern Army, are held in abeyance until further orders.

To be official interpreter in Russian :—under the terms of paragraph 4 of the 'udy of
I blished
. India
Army Order No 57 of 1915 —

Captain G. L. Blair, 36th Sikhs, with effect from 17th July 1915, *vice* Captain H. J. H. Davson, 62nd Punjabis, interpreter in German, vacated.

425 Appointments—Regimental.—The Commander-in-Chief in India is pleased to make the following appointments —

5th Cavalry — Captain A. B. Skinner, Squadron Commander *pro tem*, is confirmed in that appointment to fill an existing vacancy, and to remain in his held service appointment.

8th Cavalry — Major W. A. Fetherstonhaugh, Squadron Commander *pro tem*, is confirmed in that appointment, *vice* Major M. H. L. Gale, deceased; and to remain employed in his employment under the War Office.

Captain H. C. Kay, Squadron Commander *pro tem*, to be temporary Second-in-Command, *vice* Major M. H. L. Gale, deceased. Dated 29th June 1915

56th Cavalry (Frontier Force).—Captain P. W. Burrowes, Squadron Officer, to be temporary Second-in-Command, *vice* Major R. M. Hall, deceased. Dated 9th July 1915.

83rd Baluchistan Infantry — Captain G. D. S. LeMessurier, Double Company Commander, to be temporary Second-in-Command, *vice* Captain C. K. V. Brown, relieved. Dated 17th May 1915

9th Aug.
1915.

426. Leave.—The undermentioned officer is granted leave in India —

Maj r-General C V F Townshend, C B, D S O, British Service, Commanding 6th Division, Indian Expeditionary Force "D," for one month on medical certificate under Army Department letter No H.-4774, dated the 10th May 1915

427 Queen Alexandra's Military Nursing Service for India—Resignation—Nursing Sister Miss Annis Willoughby Joss is permitted to resign the service with effect from the 18th August 1915
Army Department letter No 7765 (D M 2) dated 19th July 1915

*428 Persons subject to the Indian Army Act who are reported Missing Instructions as to pay and payment of family allotments and pensions—With reference to Special India Army Order, dated 11th December 1911, it has come to notice that the exigencies of the service have caused unavoidable delay in the assembly of the courts of enquiry on persons reported missing referred to in Section 136, Field Service Regulations, Part II. It has, therefore, been decided that the following regulations shall govern the issue of pay and payment of family allotments and pensions of persons subject to the Indian Army Act who may be reported missing

It should be understood that the person's estate will not be legally wound up until he has been declared officially to be dead or until one year has elapsed from the date on which intimation was received at the depot that the man was missing

1 The pay of a person subject to the Indian Army Act who is reported missing while on field service with any of the Expeditionary Forces during the present war, should be credited in his pay account for a period of two months only from the date on which intimation is received at the unit or

14th Aug.
1915

depôt in India that the man is missing. In the case of a man who was making a family allotment, the man's family will, however, continue to be paid, up to a period not exceeding seven months (but see last clause of paragraph 5), the rate of family allotment which the man was making at the time when he was reported missing. These payments will be made even though pay has ceased to be credited to the man's account, the amount being drawn monthly and remitted by the Officer Commanding the dépôt or unit in India.

2 If the news of the man's death is received before the expiry of the two months, his pay should be credited only up to the date of his death.

3 If there is definite evidence that a missing man was alive on a date subsequent to the expiry of the two months, his pay should be credited up to and including that date.

4 If a man reported missing afterwards rejoins, or is found to be a prisoner of war or interned in a neutral country not by his own fault, the arrears of pay will be credited to his account.

5 Death will be presumed after a period of six months from the date on which intimation was received by the unit or at the dépôt in India that the man was missing, and steps will be taken for the admission of family pension. This pension will in all cases be granted at the higher (killed in action) rate unless any evidence is forthcoming to the contrary. Unless family pension has been previously admitted, the allotment will be continued up to a period of seven months.

6 As the family allotment may be more or less than the family pension admissible the latter should be granted from the original date of the casualty, any allotment paid in excess being waived, and any deficiency between the allotment and the family pension being paid to the heir.

7 This order will apply retrospectively to the cases of soldiers already reported missing during the present war.

*429 Pay and Allowances—Indian Army—With the approval of the Right Hon'ble the Secretary of State for India the Government of India are pleased to sanction the

following scales and increases of pay to all Indian combatants and non-combatants while serving on the Continent of Europe with Indian Expeditionary Force "A" —

430

8th Aug
1915.

- (i) All public followers of one class shall receive the same scale of pay, and this scale shall be the most favourable scale of pay of their class ordinarily allowed in India
- (ii) A special field allowance amounting to twenty-five per cent of pay, exclusive of batta, and calculated to the nearest rupee (eight annas and over being taken as one rupee and any thing below eight annas disregarded), shall be paid to Indian Expeditionary Force "A" prisoners of war. In the case of combatants, the increase will be calculated for corresponding ranks on the Infantry scale of pay, including the Rs 50 brevet pay of a Risaldar and Subedar Major. In the case of followers it will be calculated on the pay allowed by (i) above. In all other cases it will be calculated on the pay admissible under regulations.
- (iii) The extra twenty five per cent of pay will not be admissible to followers, who were engaged on special rates of pay higher than those ordinarily allowed in India to similar classes, except to the extent that the total emoluments of such followers drawing special rates fall below the total emoluments of ordinary followers of the same class admissible under (i) and (ii) above.
- (iv) These concessions will commence from the day of landing on the Continent of Europe and cease on the day of embarkation to leave it, and will have retrospective effect from the commencement of the war.

430 Forms — The following form has been amended —
India Army Form Z-2109 — Return of stores and fixed dead stock

430

9th Aug.
1915.

Insert as Instruction 4 —“4 This return will also be used by the Army Remount Department, but only feed articles, other than those purchased for direct issue, will be accounted for in it”

Pending revision of the form, this addition should be made in manuscript

India Army Form Z-2001 —List of Army Forms and India Army Forms in use in India, etc

Against India Army Forms O-1422 and O-1423, in the column “Designation of Form” after “Gun cotton” insert “c”, in column 1 insert “64”, in column 11 insert “64 (d)”, in column 14, after the figure “5” insert “d” in the column “Remarks” insert

“16 copies to

Artillery Land Ranges,

Cavalry School,

Staff College, Quetta,

Hyderabad Residency,

(c) Also 6 copies for Garrison Engineers, and Assistant Commanding Royal Engineers having gun-cotton on charge

(d) Including Imperial Service Troops having gun cotton on charge”

Against India Army Form O-1423 only, in column 8 insert “6”

F J AYLMER, Major-General,
Adjutant General in India.

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TO

INDIA ARMY ORDERS

BY

THE COMMANDER-IN-CHIEF IN INDIA,
1915.

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Crast, Volunteer H F T J	d tto	d tto		90
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Godfr				90
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Gahan Sergeant E C I	l tto	d tto		290
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		Bn Calcutta Volun		90
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Ga batt Major H Asam Valley Light Horse				485
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		ditto		485

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Moore, Volunteer W., ditto ditto ditto	200
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Gurditt Singh Lance-Naick 34th Pioneer

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H

Hassan Ali Quartermaster Dafadar 7th Mule Corps

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Man a Thapa Rifleman 1st Gurkha Rifles
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INDIA ARMY ORDERS

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.

Army Headquarters, Simla, the 16th August 1915.

431 The London Gazettes of the 13th, 14th, 15th, 16th, 17th, 19th, 20th and 21st July 1915 were received at Army Headquarters on the 10th August 1915

431
16th
1915

432 Appointments—Regimental—The Commander-in-Chief in India is pleased to make the following appointments —

99th Deccan Infantry.—Major I D Davidson, Double Company Commander, to be Second in Command, *vice* Lieutenant Colonel E N Davis, appointed Commandant, and to remain in his field service appointment

Major C deJ Luxmoore, Double Company Commander, to be temporary Second in Command, *vice* Major I. D. Davidson, proceeded on field service Dated 29th April 1915

433 Leave — All applications from Divisional and lower grade Commanders for the grant of leave under the terms of India Army Order No 131, current, should be forwarded to the Military Secretary to the Commander-in-Chief for approval by His Excellency

434 Quarters—The Government of India has decided that veterinary assistants of the Indian Army should be provided with quarters

435

16th Aug.
1915

Army Department letter
No. 23451/1 (QMG 3)
dated 29th July 1915

Department, shall, while employed with the Army Veterinary Corps, be provided with free quarters by the State, or compensation in lieu at the rate of Rs 10 per mensem

435 Pay and Allowances—With reference to India Army Order 91 of 1915, it is notified that military officers in receipt of pay and allowances under the provisions of paragraph 1 (A) of that order should be allowed the option of drawing either their civil rate of salary under the next below rule or the Military pay and allowances of their rank and appointment

436 Pay and Allowances—It is notified that the Government of India have decided that the provisions of Army Order No 286 of 1914, paragraph 1, in so far as it relates to service which should count towards increase of pay dependent on the completion of a fixed period of service, shall apply to Territorial Officers serving in India with retrospective effect from the date of issue of that order

2 The Government of India, however, have been pleased to waive the recovery of any amounts that may have been wrongly admitted and drawn by such officers up to the 31st May 1915

437 Pay and Allowances—With reference to India Army Order 25 of 1915, notifying sanction to the adoption in India as a permanent measure of the 4 company organization in battalions of British Infantry, it is notified that the adoption the employed of such bat with effect from the 1st July 1915, a soldier may be so employed when the strength of a company or detachment exceeds 200 and shall receive extra duty pay at 6 annas per diem

(3) Name

442

(4) Squadron or company

10th Aug
1915(5) Battalion, Battery, Regiment (or other unit) staff
appointment or department

and should be addressed—

(a) if the addressee is a member of the Indian Expeditionary Force, 'Base II Indian Mediterranean Expeditionary Force, Alexandria, Egypt',

if the addressee is not definitely known to be with the Indian Mediterranean Expeditionary Force articles should be addressed 'Indian Expeditionary Force ———, c/o Presidency Postmaster, Bombay,' the blank being filled up if known,

(b) if the addressee is not a member of the Indian Mediterranean Expeditionary Force, "Base I Mediterranean Expeditionary Force, Alexandria, Egypt"

It may be sent

Unregistered letters, postcards newspapers, book packets and registered and unregistered parcels (private and service) not exceeding 11 lbs in weight, may be posted in India for delivery in the Field

It may not be sent

No insured or value payable article is allowed to be sent to the field. No money orders or registered letters are accepted for delivery in the Field. Parcels exceeding 11 lbs in weight will not be accepted for despatch.

Prepayment of postage compulsory

All prepayment of postage at Indian inland rates is compulsory on all articles.

443

16th Aug.
1915.

443 * *General Order*
 tions for
 ants.—In .

it is notified that for the future, to secure consideration of
 allowance for their dependants,
 to their commanding officer
 within one calendar month from
 the date of their enlistment.

(2) In cases in which a soldier dies before the above period has elapsed and no application has been made by him, claims can only be considered when it is shown that the soldier was prevented by circumstances beyond his own control from making the application, and if the dependant applies within a month after the date of the soldier's enlistment.

(3) In the case of soldiers serving on or before the date of this order, claims will be considered if an application has been received not later than 31st August 1915.—

(a) by the commanding officer from the soldier (on Army Form O-1838) if the soldier is serving in India,

(2) by the Divisional Disbursing Officer from the dependant if the soldier is serving out of India (In this case decision on the claim will be deferred until reference has been made to the soldier.)

(1) In cases in which the soldier has died before the date of this order application must be made not later than 31st August 1915

(5) Commanding officers will take steps to ensure that the contents of this order are carefully explained to all non-commissioned officers and men under their command and that newly-enlisted men are informed, as soon as possible after joining, of the procedure necessary in order to obtain separation allowance for their dependants

- 444 Forms—India Army Form C-532—Requisition for regimental necessaries, British troops

Pending a reprint the following corrections will be carried out in manuscript :—

444

16th Aug.
1915.

Delete the following stock numbers:—

Stock No. 2430, bags, kit, Infantry

„ „ 2431 „ „ mounted services

„ „ 2433 „ „ waterproof

„ „ 2434 „ „ hook for

„ „ 2437 blacking tins

and *insert* the following :—

Stock No 2429, bags, kit, universal.

F. J. AYLMER, *Major-General,*

Adjutant-General in India.

443

10th Aug. 1915 443 * Separation Allowance—Time limit for applications for separation allowance for soldiers' dependants—In continuation of India Army Order 266 of 1915, it is notified that for the future, to secure consideration of applications for separation allowance for their dependants, soldiers must make application to their commanding officer (on Army Form O-1838) within one calendar month from the date of their enlistment.

(2) In cases in which a soldier dies before the above period has elapsed and no application has been made by him, claims can only be considered when it is shown that the soldier was prevented by circumstances beyond his own control from making the application, and if the dependant applies within a month after the date of the soldier's enlistment

(3) In the case of soldiers serving on or before the date of this order, claims will be considered if an application has been received not later than 1st August 1915 —

(a) by the commanding officer from the soldier (on Army Form O 1835) if the soldier is serving in India,

(b) by the Divisional Disbursing Officer from the dependant if the soldier is serving out of India (In this case decision on the claim will be deferred until reference has been made to the soldier)

(4) In cases in which the soldier has died before the date of this order application must be made not later than 31st August 1915

(5) Commanding officers will take steps to ensure that the contents of this order are carefully explained to all newly commissioned officers and men under their command and that newly enlisted men are informed, as soon as possible after joining of the procedure necessary in order to obtain separation allowance for their dependants

444 Forms—India Army Form C-892—Requisition for regimental necessaries, British troops

* Turned as a Special India Army Order dated 27th July 1915.

438 Officers—With reference to India Army Order No 165 of 1915, it is notified for information that the provisions of Royal Warrant V published in Army Order No 201 of 1915, are made applicable to Officers of the Indian Army Reserve of Officers

438

10th Aug.
1915.

439 Army Orders—Attention is invited to the following Army Orders, dated 1st June 1915 —

No 206—Marking of identity discs (see India Army Orders No 403 of 1908 and No 110 of 1910)

No 228—Territorial Force Regulations, Amendments,

No 231—Manual of Physical Training, 1908 (Reprint 1914)—Amendments,

No 230—Field Service Pocket Book, 1914, Amendments

Also—

VI—Pay Warrant—Amendment, dated the 9th June 1915

X—Territorial Force Regulations—Amendments, dated the 16th June 1915

440 Transport—Establishments—The Government of India have sanctioned the grant to transport artificers of the revised rates of pay shown in Army Department letter No. 1093-7 (Q M G 7) the subjoined table, in lieu of those issued the 28th July 1915 laid down in Army Regulations, India Volume I, paragraphs 925 926

2 These rates will have effect from the date of the Government sanction

440
 16th Aug. 1915. Revised peace rates of pay for transport artificers with Service and Local transport both organised and unorganised.

	All Divisions and Independent Brigades, except those specially mentioned	Late Western Command except Belgaum, Jhansi & Jabalpur Brigades	Lower Burma	Upper Burma	Quetta Division except Karachi Brigade	Aden Brigade
Transport Corps and Cadre—						
Carpenters	18	18 (d)	..	(a) (1) 18 (b)	18 (b)	
Blacksmiths	18	18 (d)		18 (a) (1) 18 (b)	18 (b)	
Hammermen	8	8 (e)		(a) (1) 8 (b) (e)	8 (b)	
Bellowsmen	7	7	..	7 (a) (b) (m)	7 (b)	
Shoosmiths	18	18 (e)	..	(a) (1) 18 (b) (h)	18 (b)	
Saddlers				18 (a) (f) 14 (b)	14 (b)	
Palanmakers and Palan-tree-maker	14	14 (f)	..	(a) (f) 14 (b)	14 (b)	
Other Transport Units—						
Carpenters	18 (c)	18 (d)	18	18 (a) 18 (b) 18 (n)	18 (b)	18 (n)
Blacksmiths	18 (c)	18 (d)	18	18 (a) 18 (b) 18 (n)	18 (b)	18 (n)
Hammermen	8	8 (e)	8 (g)	(a) (1) 8 (b) (e) (a) (k)	8 (b)	8 (b)
Bellowsmen	7	7	7 (e)	(a) (m) (b) (m) (a) (f)	7 (b)	7 (b)
Shoosmiths	18 (g)	18 (e)	18 (f)	(a) (1) 18 (b) (h) 13 (n)	18 (b)	13 (n)
Saddlers ..				14 (a) (f) 14 (b)	14 (b)	14 (b)
Palanmakers	14	14 (f)	14 (h)	(a) (f) 14 (b)	14 (b)	14 (b)

(a) Plus free rations

(b) Plus compensation in lieu of rations

(c) Plus local allowance Rs. 7 per mensem for carpenters and blacksmiths at Banna

441 Legal and Judicial—The following Notification issued under the Government of India, Foreign and Political Department, No 1178 I B, dated the 18th June 1915, is re-
 441
 16th Aug.
 1915
 published for the information of all concerned, in continuation of India Army Order No 164 current —

In exercise of the powers conferred by section 3a of the Court Fees Act 1870 (VII of 1870) as applied to or as in force in the areas specified in the schedule hereto annexed, the Governor General in Council is pleased to make in the said areas the remissions hereinafter set forth in the fees leviable under Articles 11 12 and 12 A of the first schedule of the said Act as so applied or as in force, on the property of any person subject to military law either under the Army Act (XXIV of 1907, s 59) or under the Indian Army Act 1911 (VIII of 1911) who is killed or dies of wounds inflicted, accident occurring or disease contracted within twelve months before death, while on active service in the present war, namely —

(a) Where the amount or value of the property in respect of which the grant of probate or letters of administration is made or which is specified in the certificate under the Succession Certificate Act 1883, as applied or as in force, does not exceed Rs 5,000 to remit the whole of the fees leviable in respect of that property,

(b) where the said amount or value exceeds Rs 5,000, to remit the whole of the said fees in respect of the first Rs 5,000 and

(c) where any property passes more than once on account of such deaths, to remit the fees of the first and subsequent successions thereto and fees in respect of the value of the property.

2 The Governor General in Council is further pleased to exercise of the same powers to remit the fees chargeable under Articles 11 12 and 12 A of the first schedule of the said Act, on applications for probate or letters of administration in respect of the property of

SCHEDULE

442

16th Aug.
1915.

- 1 The railway lands described in the Notification of the Government of India in the Foreign Department, No 784 I B dated the 9th April 1913, as subsequently amended, and in the first and second columns of the schedule annexed thereto
- 2 The Buxar Cantonment
- 3 The Administered Areas in Central India, as described in the Notification of the Government of India in the Foreign Department, No 2365-I B, dated the 14th November 1912
- 4 The Administered Areas in the Hyderabad State, as described in the Notification of the Government of India in the Foreign Department No 582 I B, dated the 22nd March 1913
- 5 The Civil and Military Station of Bangalore
- 6 The Abu Area, as described in the Notification of the Government of India in the Foreign Department, No 679-I B, dated the 2nd April 1913
- 7 The British Reserve, Manipur, as defined in the Notification of the Government of India in the Foreign Department, No 533-I, B, dated the 12th March 1909
- 8 Berar

442 Postal Arrangements—Mediterranean Expeditionary Force—the following instructions regarding correspondence for the Mediterranean Expeditionary Force, are published for the guidance of all concerned, in supersession of India Army Order No 365, dated the 12th July 1915 —

Mode of addressing correspondence

Articles intended for members of the Mediterranean Expeditionary Force should include the following particulars —

- (1) Regimental number (if known)
- (2) Rank.

INDIA ARMY ORDERS

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.

Army Headquarters, Simla the 23rd August 1915

445 The London Gazettes of the 22nd 23rd, 24th, 26th, 27th, 28th and 29th July 1915 were received at Army Headquarters on the 16th August 1915 4th
23rd
11

446 Appointments—The Commander-in-Chief in India is pleased to make the following appointment—

Lieutenant H W Markwick Indian Army to be Supply and Transport Officer, 5th Class, with effect from the 16th August 1915

447 Appointments—Regimental—The Commander-in-Chief in India is pleased to make the following appointments—

7th *Mahratta* *Lancers*—Major G P O Caroegey, Squadron Commander, to be temporary Second in Command, vice Captain M H. Simonds relieved. Dated 25th July 1915

37th *Lancers* (*British Horse*)—Captain A E S Scott, Squadron Commander *pro tem*, to be temporary Second in Command, vice Lieutenant Colonel F L Vincent, appointed temporary Assistant Quartermaster General, 5th (Lucknow) Division. Dated 7th July 1915

16th *Rajputs* (*The Ironsides Regiment*)—Captain B S. A P Greville, Double Company Commander, to be temporary Second in Command, vice Lieutenant-Colonel G. R. Vananen, appointed temporary Assistant Quartermaster-General, 5th (Mhow) Division. Dated 26th June 1915.



451. Ordnance Department—Establishments—Consequent on the temporary withdrawal from India of two Officers of the Army Ordnance Department (Inspectors of Ordnance Machinery) the area of responsibility of the three remaining will be as under:—

451

23rd Aug.
1915.

Headquarters	Divisional Areas
No 1, Lower India	Nos 1 2 and 3 Divisions, Fanna, Derajat and Kohat Brigades, also Karachi Defences
No 2, Punjab	Nos 4, 5, 6 and Burma Divisions, also Hughli and Bangalore Defences
No 3, Kible	Nos 7 8 and 9 Divisions and Aden Brigade, also Bombay and Aden Coast Defences

The distribution shown in India Army Order No 408 of July 1911 is cancelled

452 Dress—British Officers—Samples of drab flannel collars, drab flannel material for shirts, and drab silk topin for ties, as prescribed for wear with service dress by officers of the British Service under Army Regulations, India, Volume VII, paragraphs 21, 37 A and 41, respectively, are available for inspection in Quartermaster General's Branch, Army Headquarters, Army Clothing Factories, and Headquarters, Bombay Brigade.

453 Clothing—British Army.—With reference to India Army Order No. 615 of 1914, the Government of India have decided that compensation, within the limit of the rates specified in the "Price List of Clothing and Necessaries," shall be admissible to Territorial troops in lieu of issues in kind of boots, ankle, in the case of men are in possession of the full prescribed scale in a good serviceable condition. Having received compensation soldier will be liable for any renewals which become necessary during the period for which compensation is

448

23rd Aug.
1915.

20th Duke of Cambridge's Own Infantry (Brownlow's Fusiliers) — Major R S St John, Double Company Commander, to be officiating Commandant in the Lieutenant Colonel C Rattray, appointed officiating Assistant Quartermaster-General. Dated 28th July 1915

448 Pay and Allowances—It is notified that the

Army Department letter
No H 6 60 dated 3rd August 1915

Government of India have decided that, with effect from the 3rd August 1915, and in supersession of all previous orders on the subject £10 shall be the outfit allowance admissible to retired commissioned officers of the British and Indian Services (including Indian Medical Service) re-employed on the Indian establishment

449. Pay and Allowances—With reference to paragraph 151, Army Regulations India, Volume I, it is notified that the Government of India

Army Department letter
No H 6 60 dated 3rd August 1915

have decided that with effect from the 1st January 1915, and for the period of the war the command allowance of Rs 50 per mensem, authorised for the command of a depot of a British Infantry Regiment on field service, shall be increased to Rs 50 per mensem

450 Pay and Allowances—It is notified that the

Army Department letter
No. 2-8281 (A G) dated
4th August 1915

Government of India have decided that Military subordinates who suffer a loss of emoluments on promotion to warrant rank shall be granted, under the orders of the General Officers Commanding Divisions, Divisional Areas and Independent Brigades and subject to the usual audit check, such personal allowance as will compensate them for the loss sustained, with effect from the date on which the loss in each case actually commences. This decision is not applicable in the case of subordinates of the Military Farms Department who are already provided for by the marginally noted orders

23rd Aug.
1915.

451. Ordnance Department—Establishments—Consequent on the temporary withdrawal from India of two Officers of the Army Ordnance Department (Inspectors of Ordnance Machinery) the area of responsibility of the three remaining will be as under:—

Headquarters.	Divisional Areas
No 1 Pawalundi	Nos 1 2 and 4 Divisions, Feroze, Derafat and Kohat Brigades, also Karachi Defences
No 2, Jubbulpore	Nos 3, 7 8 and Burma Divisions, also Hughli and Rangoon Defences
No 3, Kurrum	Nos 5 6 and 10 Divisions and Aden Brigade, also Bombay and Aden Coast Defences.

The distribution shown in India Army Order No 495 of July 1911 is cancelled

454
23rd Aug.
1915.

451 Accounts—It is notified for general information and guidance that in order to admit of all receipts and charges, both in India and in the field, relating to the Indian Detachment, Mediterranean Force, being shown separately in the accounts all vouchers connected with such receipts and charges should be clearly en faced ' War 1914—Indian Expeditionary Force ' G ' "

455 Forms—The following form has been introduced—

A Form O 838—Declaration by an unmarried soldier (or widower) who desires to obtain separation allowance for a dependant

The form will be supplied to Officers Commanding, British units ' as required ' "

The following form has been revised—

A Form O 1531—National Insurance Act, Naval and Army Insurance Fund, Claim for Maternity Benefit

The revised form will be taken into use at once, and copies of the old form wasted

The following forms have been cancelled—

India Army Form A 695—Forecast of probable relation between preliminary and final figures of receipts and charges

India Army Form G 1086—Register of collective practices, Indian Army, (tools of 50)

India Army Form O 1129—Summary of annual confidential reports

The following corrections are made in India Army Form Z 2001—

Pages 11 and 15—Against A. F. C-2121, in the Remarks Column insert "50 covers and 50 refills are to be maintained as a reserve at Aden "

Pages 18 and 19—In first column insert "A. F. O-1835" in the second "G." in the third "Declaration to be made by an unmarried soldier (or widower) who desires to

obtain separation allowance for a dependant," and in the Remarks column "supplied to Officers Commanding British units as required."

455

 23rd Aug.
1915.

Pages 64 and 65.—Delete all entries against "A-808."

Pages 86 and 87.—Delete all entries against "G.-1080."

Pages 106 and 107.—Delete all entries against "O.-1459."

F. J. AYLMER, *Major-General,*

Adjutant-General in India.

INDIA ARMY ORDERS

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.

Army Headquarters, Simla, the 30th August 1915.

456 The London Gazettes of the 30th July and the 3rd and 4th August 1915 were received at Army Headquarters on the 25th August 1915

456
30th Aug.
1915.

457 Appointments—The Commander-in Chief in India is pleased to make the following appointments—

Lieutenant-Colonel H. P. De la Bère, Royal Scots Fusiliers, to be temporary Inspector of Guns and Rifles, No 1 Charge, Ordnance Inspection Section, Ishapore, with effect from the 17th August 1915, *vice* Major C J. D. Freeth R. A., vacated

Captain P. Heffernan, I. M. S., to be Specialist in Mental Science with effect from the 9th June 1915.

458 Appointments—Regimental—The Commander-in Chief in India is pleased to make the following appointments—

21st Punjabis—Captain H. J. Doveton, Double Company Commander, to be temporary Second-in-Command, *vice* Major A. D. Cox, appointed temporary Commandant Dated 15th March 1915

24th Punjabis—Captain H. C. McWatters Double Company Officer 22nd Punjabis, to be Double Company Commander *vice* Major H. W. F. Cooke, killed in action; and to remain in his present appointment as temporary Assistant Military Secretary to his Excellency the Commander-in Chief in India

459
30th Aug.
1915.

98th Infantry—Lieutenant Colonel C C Renton, Second-in-Command and Major V F Tregear, Double Company Commander to be Commandant and Second in-Command respectively *vice* Lieutenant Colonel T. M Ward, vacated Dated 5th August 1915.

122nd Rajputana Infantry—Major A Melville, Double Company Commander, to be temporary Second in-Command, *vice* Major P C R Barclay, proceeded on field service Dated 7th October 1914

(That portion of Northern Army Order No 148 of 1914, relating to the appointment of Major Melville, is cancelled)

121st Division of Connaught's Own Baluchistan Infantry—Captain O A Chaldecott, Double Company Officer, to be temporary Second in Command, *vice* Captain A E Stewart, relieved Dated 16th July 1915

459 Corrigenda—Appointments—Regimental—In India Army Order No 283 of 1915, with respect to the appointment of Lieutenant-Colonel J H Boome as Commandant 102nd King Edward's Own Grenadiers for "18th May 1915" read "19th May 1915"

In India Army Order No 347 of 1915, with respect to the appointment of Major F H. McB Fenn, 11th Infantry, for "18th May 1915" read "19th May 1915"

460. Appointments—Station Staff—It is notified for information that sanction has been accorded to the appointment, as a temporary measure, of a Station Staff Officer, 2nd class, at Risalpur

Army Department
letter No 113423
(C O S) dated 11th
Aug. 1915

461. Leave—The leave granted to Major-General C V F. Townshend, C B, D S O, British Service in India Army Order No 426, dated the 9th August 1915, is extended by one month and 8 days

462. Rewards—Volunteer Long Service Medal.—In the annexure to India Army Order No 292, dated the 7th July 1915, under Bangalore Rifle Volunteers, for "Quartermaster Serjeant W. Reed," read "Quartermaster Serjeant W. Eden."

462

30th Aug.
1915.

463. Volunteer Long Service Medal.—Silver medals have been awarded to the members of the Indian Volunteer Force named in the list published as an annexure to this order.

464. Equipment—Artillery.—The Government of India have sanctioned the issue of 48 "Bags, sand, common" to each Territorial battery of Royal Field Artillery armed with 15-pr. B L. and B L C. guns, for practice camp purpose—

465. Establishments—British.—The Government of India have decided that the non-commissioned officers of British units who are, or who may be in future, employed at the various prisoners of war camps in India, shall be considered as seconded in their own units from the date they leave their units to take up such employment, and that promotions may be made to fill the vacancies thus caused

466. Pay and Allowances.—With reference to India Army Order No 161 of 1915, calling the attention of all concerned to Army Order XV, dated 19th January 1915, on the subject of lodging and fuel and light allowances for families of married Quartermasters of the Territorial Force, it is notified for information that such allowances must be claimed by India through the C they belong.

467

30th Aug.
1915.

467. Organisation—Indian Army.—In continuation of India Army Order 561 of 1914 it is notified for information with the approval of the Government of India, that Indian Officers, non-commissioned officers and men of Indian units:—

Army Department letter
No H 6944, dated 11th
August 1915

(a) who, whilst borne on the rolls of a unit in the field, are—

- (1) sick,
- (2) wounded,
- (3) missing,
- (4) prisoners of war, and—

(b) who on return to India from field service, are—

- (1) sick,
- (2) wounded,
- (3) prisoners of war on parole,

will not be eligible for promotion until they are again available for duty.

2. Officers, non-commissioned officers and men who have returned from field service with another unit and who have, during their absence, been superseded in their own units.

468. With reference to the Annexure 615 of 1914, scale "A", for non-commissioned officers of territorial units in possession of a special instructor's certificate for physical training and bayonet fighting may, while in India, wear the badge prescribed in Army Regulations, India, Volume XI, Appendix VIII, for assistant instructors of physical training, except that, in embroidered badges, silver embroidery will be substituted for gold embroidery in the case of units not permitted to wear gold lace. The badge will be worn in the same manner as prescribed in Army Regulations, India Volume XI, Appendix XI.

469. Officers.—It is notified for information that His
 Highness the Maharaja of Mysore has decided that, with
 effect from the 1st of September 1915, all Indian Army
 officers will be seconded in their
 units after an absence of six months, under the provisions of
 paragraph 303 (iv), Army Regulations, India, Volume II.

469
 30th Aug.
 1915,

470 C—It is hereby notified that
 Territorial out of India can
 obtain a either on hire
 or by purchase

471. Exchange on the Mexican Dollar.—Intimation
 has been received from the Treasury Chest Officer, Hong
 Kong, that the official rate of exchange on the Mexican
 Dollar for the month of August 1915, will be one shilling and
 nine pence farthing at Hong Kong and on the China
 Stations

472 Accounts.—Insert the following at end of India
 Army Order No. 293, dated 17th June 1915:—

"In exceptional circumstances (e.g., if ill health, or the
 distance of his home from the nearest treasury renders it

 sent to him by postal money order, the charge for the
 money order commission being borne by him."

F. J. AYLMER, Major-General,
 Adjutant General in India.



ANNEXURE TO INDIA ARMY ORDER No 453 OF 1915.

List of officers, non-commissioned officers and men of the Indian Volunteer Force who have been awarded the Volunteer Long Service Medal —

Bihar Light Horse

Corporal F. H. MAYNARD

Punjab Light Horse.

Quartermaster Serjeant SIDNEY HERBERT
SWALES

Serjeant ROBERT LANCELOT BRISTOW.

Corporal WILLIAM GEORGE CLARKE

Serjeant WILLIAM CHARLES GOW.

Trooper HARRIS PERCIVAL ROBSON.

" GEORGE WHINSTANLEY PRICE.

" CHARLES HENRY JOHNSTONE.

" HARRY THEODORE CONVILLE.

" PHILIP OSWALD MEAKINS.

" JOHN WILLIAM WALTER FAIRLIE

" SYDNEY HUGH GLACKEN.

" JOHN MONTGU MEAKINS.

" FRANK TANCRED.

Assam Valley Light Horse

Troop Serjeant Major HERBERT PEARCE
BROWN.

Trooper THOMAS HARRY KNOLLES

" WILLIAM SOLOMON LEMON.

Trooper WILLIAM ALEXANDER MACKETH.
 „ ALFRED JAMES PERCY.
 Reservist HERBERT MORRIS.

1st United Provinces Horse.

Serjeant C. T. ROBBIE.
 Trooper L. G. HILL.
 „ W. C C FRANCIS.

Chota Nagpur Light Horse.

Troop Serjeant Major F. S. Mc NAMARA
 Serjeant H. M. BULL.
 „ C. A. FORBES.
 Lance Serjeant E L BARNETT.
 Corporal G. C K. MEARES.
 „ A P. COURTENAY.
 Trooper A. JONES.
 „ W. BOSWELL

Northern Bengal Mounted Rifles.

Squadron Serjeant Major R. H. CARTWRIGHT.
 Serjeant W G MOTT.
 Trooper W. G. DINGWALL.
 „ W. TROOD.

Southern Province Mounted Rifles.

Lance Serjeant F. CHATTERTON.
 Trooper H. CAMPBELL.

Rangoon Port Defence Volunteers.

Company Serjeant Major G. A. DUBERN.

Company Serjeant Major D GOODWILLIE,

Bombardier G. O. WADE.

Gunner H. S. SMITH.

Nagpur Volunteer Rifles.

Serjeant A E GAME

Corporal V GODFREY.

Volunteer J W LEYLAND.

„ T. GLACKAN.

1st Battalion, Punjab Volunteer Rifles.

Colour-Serjeant J. SHORTRIDGE.

Volunteer C. TRESSLER.

„ G. N A PERRY.

„ W. DAVIES.

„ W. MILLS

Simla Volunteer Rifles.

Volunteer A J COWARD

1st Battalion, Calcutta Volunteer Rifles

Captain J. W THURSTON.

Bangalore Rifle Volunteers.

Captain J. R. CAMPBELL

Lieutenant T. R. HILL

Volunteer ARTHUR BINNY.

„ C. A. CORDERY.

*Bombay, Baroda and Central India Railway Volunteer
Rifles.*

Lance-Serjeant H. W. COLLINS

Rangoon Volunteer Rifles.

Rifleman G. FISHER.

„ G. S VERTANNES.

„ L E MATHIAS.

Burma Railways Volunteer Corps.

Serjeant T. CARROLL

Lance-Serjeant F M CRISP.

Lance-Corporal C J. LASKEY.

Volunteer L. H BROWN.

„ R CLAMP.

„ C. COOPER.

„ P. D'ATTAIDES.

„ T. DAVID.

„ A E. Dr'SILVA.

„ H J GOODGER.

„ G R GREENE

„ G. W. GRIGGS.

„ J. RODGERS.

„ C. STEPHENSON.

„ J. TALBOT.

„ T. A C TRUTWEIN.

„ A. WEIR.

„ W. E. ZILLHARDT.

Upper Burma Volunteer Rifles.

Colour-Sergeant D I SMITH

Corporal T A KOOP

Volunteer G PANIOTY.

" D M GORDON

1st Battalion, Bengal-Nagpur Railway Volunteer Rifle Corps

Captain A R HILL

Corporal H A. ROBEY

Volunteer R ANTHONY.

" W BASTIAN

" M CARROLL.

" A. JANSON

" H O SHARLING.

" A HUSSY

" E L RAWLINS

*2nd (Presidency) Battalion, Calcutta Volunteer Rifles*Colour Sergeant Instructor Musketry
R EDWARDS.

Sergeant H. GRIFFITHS

Eastern Bengal Volunteer Rifles

Volunteer JAMES BENJAMIN ALLEN

Kolar Gold Field Rifle Volunteers.

Volunteer J. E. CARTER

" J R A. BELSHER.

F J WILMER, Major-General,

Adjutant-General in India

1st Charge "Abetment within the meaning of the Indian Penal Code of an offence punishable under the Indian Army Act, in that they,

at Lahore Cantonment, between the 10th October 1914 and the 15th May 1915 together engaged in a conspiracy to cause a mutiny in the 23rd Cavalry (Frontier Force), in pursuance of which conspiracy bombs were made, telegraph wires were cut, and meetings were held at which plans for the mutiny were concerted, and thereby abetted within the meaning of the Indian Penal Code an offence punishable under section 27 (a) of the Indian Army Act."

Of the above mentioned non-commissioned officers and men, the following were also arraigned on the alternative charge set forth below —

No 1526 Sowar Bishen Singh

No 1945 Sowar (Trumpeter) Bishen Singh

No 1345 Lance-Duffadar Bata Singh

No 1028 Sowar Kehar Singh

No 1827 Sowar (Acting Lance-Duffadar) Nand Singh

No 1308 Sowar Natha Singh

No 1375 Sowar Tara Singh

No. 1042 Duffadar Wadhawa Singh

2nd Charge, (alternative to the 1st) "Knowing the existence of a conspiracy against the State and failing to give information thereof without delay to his commanding or other superior officer,

in that he,

at Lahore Cantonment, between the 10th October 1914 and the 15th May 1915, being aware of the existence of a conspiracy by members of the "Ghadar" (Mutiny) party to overthrow the Government by law established in British India, in pursuance of which conspiracy certain non-commissioned officers and men were to rise in open rebellion against the same regime without delay to give information to his commanding or other superior officer."

INDIA ARMY ORDERS

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.

Army Headquarters, Simla, the 6th September 1915.

473 The Loodoo Gazettes of the 5th, 6th, 7th, 9th, 10th and 11th August 1915 were received at Army Headquarters on the 31st August 1915

473

6th Sep.
1915.

474 Appointments.—The Commander-in-Chief is pleased to make the following appointments.—

Major J. H. Robison, R. A. M. C., to be Deputy Assistant Director of Medical Services (Mobilization), 2nd (Rawalpindi) Division, with effect from 9th August 1915.

Captain C. G. Sherlock, R. A. M. C., to be Deputy Assistant Director, Medical Services (Sanitary), 7th (Meerut) Divisional Area, with effect from 7th August 1915

Captain W. K. Cook, Indian Army, to be Supply and Transport Officer, 4th Class, with effect from the 27th August 1915

Captain T. F. Brock, Indian Army, to be Supply and Transport Officer, 4th Class, with effect from the 3rd September 1915

475 Appointments.—The Commander-in-Chief in India is pleased to make the following temporary appointment.—

Lieutenant J. Golden Bell, Indian Army Reserve of Officers, to be Supply and Transport Officer, 5th Class, with effect from the 6th August 1915

476 Appointments—Regimental.—The Commander-in-Chief in India is pleased to make the following appointments.—

17th Cavalry.—Major R. C. Barry-Smith, Squadron Commander, to be Second-in-Command, *vice* Lieutenant-Colonel

477

6th Sep.
1915.

J M Wikeley, transferred to the 28th Light Cavalry
Dated 25th March 1915

30th Lancers (*Gordon's Horse*)—Lieutenant-Colonel A E
Barnard, Squadron Commander, to be Second in-Command,
vice Lieutenant-Colonel C R Elliot, vacated Dated 6th
July 1915

74th Punjabis—Captain J Ardomo, Double Company
Commander, *pro tem*, is confirmed in that appointment, *vice*
Major A G Cowan, deceased Dated 2nd June 1915

112th Infantry—Captain F D R Seaton, Double Com-
pany Commander, *pro tem*, is confirmed in that appointment
to fill an existing vacancy, and to remain seconded

1st Battalion, 7th Gurkha Rifles—Major S Bazett, at-
tached from Civil Employ, to be temporary Second in-Com-
mand, *vice* Lieutenant Colonel W B Powell, proceeded on
field service Dated 1st August 1915.

477 Leave—The undermentioned officer is granted
leave in India —

Lieutenant Colonel G R Cassels 30th Sikhs, temporary
General Staff Officer, 1st Grade, for 2 months and 18 days
on medical certificate under Army Department letter No H
1774, dated the 10th May 1915

478 Rewards—Volunteer Long Service Medal—In
the annexure to India Army Order No 202, dated the 7th
July 1915, under 2nd Battalion, Bengal Nagpur Railway
Volunteer Rifle Corps, for Volunteer "A Glen," real
"Volunteer A Green"

479 Pay and Allowances—Indian Army.—The
Government of India are pleased to sanction the payment by
the Government of India of the following expenses,
of its 13 in
soldiers and

public followers who return invalided
to India from field service and die in hospitals in this country
from the effects of such service This sanction will have re-
trospective effect from the commencement of the war.

6th Sep
1915.

480 Pay and Allowances—With reference to India Army Order No 241 of 1915 it is notified that engineer and armament pay will continue to be credited to officers who are

prisoners of war, or who are interned or reported missing, during the whole period for which regimental pay is issuable, irrespective of whether this period exceeds the 61 or 91 days for which the continuance of such pay is normally admissible for officers when not employed on the duties of their Corps. Engineer and armament pay will be credited at British rates in cases where the officers concerned are in receipt of British pay of rank, and at Indian rates so long as an officer is in receipt of Indian pay of rank.

2 After 61 days, flying pay at Rs 6 per diem will be drawn by British and Indian Service officers of the Flying Corps in addition to the pay admissible under the provisions of the India Army Order referred to in paragraph 1 above.

3 Command pay and the staff pay of regimental staff and any additional pay granted for the performance of specific duties will cease to be payable to officers from the date on which they become prisoners of war, or are interned or reported missing.

481 Equipment—Artillery—The Government of India

have sanctioned the issue of a third set of 'Meiometers G S' to each battery of British and Indian Mountain Artillery. Indents should not be submitted until called for.

482 Clothing—British Army—The Government of

India have sanctioned the maintenance by the General Officer Commanding Bombay Brigade, for issue when necessary to British troops returning from field service of the following stock of articles—

Personal Clothing

Boots, pairs

Helmets

Jackets khaki complet with buttons

Trousers khaki pairs

} 700 of each

6th Sep.
1915.

Braces pairs

LorAs

Knives, table

Spoons

Shirts flannel

Socks worsted pair

Towels

500 of each

2 Issues made in Bombay will be treated as advance issues under Army Regulations India Volume XI, paragraph 123 (1), and will be struck off charge there by the General Officer Commanding and brought on their books by Officers Commanding depôts or units concerned on the usual expense voucher, copies of which will be furnished by the General Officer Commanding to the Controller and Officers Commanding units or depôts concerned. The value of such issues will be recovered from the amounts to be credited to the men under Army Regulations India, Volume XI, paragraph 123 (a), and copies of all orders authorising such credits should be communicated by the authority sanctioning the payment to the Central War Controller, who will debit the expenditure to His Majesty's Government, with reference to Rule 18 of the instructions issued with Finance Department (Military) letter No 430 Accounts, dated 3rd May 1915.

483 Establishments—Territorial Units—The Gov-

Army Department letter
No 281-1- (A G) dated
5th August 1915

ernment of India have decided that promotions in units of the Territorial Force serving in India, or sent on field service from India shall be governed by the following orders—

- (1) *Units serving in India*—In accordance with War Office letter No 9 Gen No 1274 (A G 1), dated 1st February 1915, i.e., all appointments, acting page
B, Ter in the
Class ranks
occasioned by casualties shall be filled at once through

the casualty may involve temporary absence only Class II warrant and non commissioned officers thus appointed will receive the emoluments attach-

483

6th Sep.
1915.

India in place of Class II warrant officers and non-commissioned officers detached) The e orders will have effect from the date of the War Office letter quoted above

- (ii) *Units which have proceeded on field service from India*—In accordance with the conditions given in the enclosure to War Office letter No 9—Gen No 4274 (A G 1), dated 23rd April 1915, vacancies in the ranks of warrant officers, Class II, and non commissioned officers, shall be filled by promotions to substantive rank when the vacancy is due to the warrant or non-commissioned officer having—

- (a) died,
- (b) been discharged from the service,
- (c) been made a prisoner of war and reported officially as such,
- (d) been declared missing and reported officially as such,
- (e) been sent home or to India wounded and sick, and being likely to be away from duty for not less than a month,
- (f) been sent home or to India as inefficient in the field

These orders will have effect from the date of the War Office letter quoted above, previous to that date the orders in (i) above will apply

2 Men of drafts sent from units of the Territorial Force serving in India to reinforce units in the field are regarded

484
 484. National Insurance Act—The following draft Regulations are published for the information of all concerned:—
 5th Sep. 1915.

NATIONAL INSURANCE.

NATIONAL HEALTH INSURANCE.

DRAFT REGULATIONS, DATED 26TH APRIL 1915, PROPOSED TO BE MADE BY THE INSURANCE COMMISSIONERS UNDER SECTION 65 OF THE NATIONAL INSURANCE ACT, 1911 (1 & 2 Geo. V, c. 55).

The Insurance Commissioners, in pursuance of the powers conferred on them by Section 65 of the National Insurance Act, 1911, hereby make the following Regulations:—

1 These Regulations may be cited as the National Health Insurance (Navy and Army Fund) Regulations, 1915

2—(1) In these Regulations, unless the context otherwise requires—

“The Fund” means the Navy and Army Insurance Fund

“Member of the Fund” means any person entitled to benefits payable out of the Fund under paragraph (A) of sub-section (3) of Section 46 of the National Insurance Act, 1911.

(2) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament

3 The contributions paid by or in respect of every person, who is or becomes a member of the Fund, shall, as from the date of his discharge from service, be paid into the Fund.

4 Every person who is or becomes a member of the Fund shall be, and shall be deemed always to have been, entitled to benefits out of the Fund as from the date of his discharge from service

485. National Insurance Act.—The following Provisional Regulations are published for the information of all concerned.

485
6th Sep.
1915.

NATIONAL INSURANCE.

National Health Insurance

PROVISIONAL REGULATIONS, DATED 28TH MAY 1915, MADE BY THE NATIONAL HEALTH INSURANCE JOINT COMMITTEE UNDER SECTION 1 OF THE NATIONAL INSURANCE (PART I, AMENDMENT) ACT, 1915 (5 GEO. V, c. 29).

The National Health Insurance Joint Committee hereby certify under Section 2 of the Rules Publication Act, 1893, that on account of urgency the following Regulations should come into operation immediately, and in pursuance of the powers conferred on them by Section 83 of the National Insurance Act, 1911, and of every other power enabling them in this behalf, hereby make the following Regulations to come into operation forthwith as Provisional Regulations:—

1 These Regulations may be cited as the National Health Insurance (Navy and Army) Regulations (No. 2), 1915.

2 The date as from which the amount of any sickness or disablement benefit, payable to any person to whom Section 46 of the N. I. Act applies, shall be payable, in the case of any person who has been in receipt of a pension in respect of total disablement suffered in consequence of the present war is granted to him, whichever is the later

Given under the Seal of Office of the National Health Insurance Joint Committee this 28th day of May, in the year one thousand nine hundred and fifteen.

R. W. Harris,

Clerk to the National Health Insurance
Joint Committee.

486
6th Sep.
1915.

486 Casualties.—It is notified that the procedure for reporting deaths of Officers, as laid down in Item 283, I. A. F. Z.-2000, is also applicable to Indian Army Reserve Officers; the attention of all concerned is directed to the orders in force.

487. Books.—The Indian Soldier's Pay Book, Army Book 64 (Modified for India) with waterproof cover is now ready for issue, and Officers Commanding and others are directed to apply to the Superintendent, Government Printing, for the number of copies of the book they require and return to that Office the paper-covered books they have in stock.

488 Stationery Supplies.—For the second clause of India Army Order No 320 of 1914, substitute the following:—

"Within the 6th (Poona) Division—from the Assistant Superintendent of Stationery, Bombay"

F J. AYLMEER, *Major-General,*

Adjutant-General in India.

INDIA ARMY ORDERS

BI

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.*Army Headquarters, Simla, the 13th September 1915*

489 The London Gazettes of the 12th, 1st, 14th, 16th and 17th August 1915 were received at Army Headquarters on the 7th September 1915

489
13th Sep-
1915.

490 Appointments—The Commander-in-Chief in India is pleased to make the following appointments—

Major W W Browne, R A M C, to be Deputy Assistant Director of Medical Services (Sanitary) 9th (Secunderabad) Division with effect from the 10th August 1915.

Major J H Robinson, R A M C, to be Deputy Assistant Director of Medical Services (Mobilization), 2nd (Rajalindi) Division with effect from the 18th August 1915

491 Appointments—Regimental—The Commander-in-Chief in India is pleased to make the following appointments—

4th Prince Albert Victor's Rajputs—Lieutenant-Colonel A C Ralph, Second in Command 11th Rajputs, to be Commandant *vice* Lieutenant-Colonel A B Harvey, vacated Dated 20th August 1915

11th Rajputs—Lieutenant-Colonel G Watling, Second in Command, 4th Prince Albert Victor's Rajputs, is transferred in the same capacity, *vice* Lieutenant Colonel A C Ralph appointed Commandant, 4th Prince Albert Victor's Rajputs Dated 25th August 1915

15th Infantry—Captain O L D H Whitaker, Double Company Officer, to be Double Company Commander, *pro tem*, in an existing vacancy; and to remain seconded

13th Sep.
1915.

able Company Officer, to
pro tem, in an existing

54th Sikhs (Frontier Force) — Captain O L Ruck, Double Company Officer, to be Double Company Commander, *pro tem*, *vice* Major C L Storr, recorded for employment under the War Office. Dated 22nd August 1911.

492* Indians - Mary Gen-
succeeding
missioned
officers and men, all belonging to the 23rd Cavalry (Frontier Force), were arraigned on the charge set forth below :-

- No. 1203 Sowar (Farrier) Abdullah
No. 1608 Sowar Bhagat Singh
No. 1394 Sowar Budh Singh
No. 1775 Sowar Channan Singh
No. 1651 Sowar Gujjar Singh
No. 1431 Sowar Indar Singh
No. 1679 Sowar Indar Singh
No. 1269 Sowar (Acting Lance-Duffadar) Jetha Singh
No. 1417 Sowar (Acting Lance-Duffadar) Lachman Singh
No. 1247 Sowar (Acting Lance-Duffadar) Moti Singh
No. 1526 Sowar Bishen Singh
No. 1915 Sowar (Trumpeter) Bishen Singh
No. 1113 Lance-Duffadar Bulu Singh
No. 1528 Sowar Kehar Singh
No. 1327 Sowar (Acting Lance-Duffadar) Nand Singh
No. 1393 Sowar Natha Singh
No. 1178 Sowar Tara Singh
No. 1042 Duffadar Wadhawa Singh

13th Sep.
1915.

1st Charge "Abetment within the meaning of the Indian Penal Code of an offence punishable under the Indian Army Act, in that they,

at Lahore Cantonment, between the 15th October 1914 and the 15th May 1915 together engaged in a conspiracy to cause a mutiny in the 23rd Cavalry (Frontier Force), in pursuance of which conspiracy bombs were made, telegraph wires were cut, and meetings were held at which plans for the mutiny were concerted, and thereby abetted within the meaning of the Indian Penal Code an offence punishable under section 27 (a) of the Indian Army Act'

Of the above mentioned non-commissioned officers and men, the following were also arraigned on the alternative charge set forth below —

No 1526 Sowar Bishen Singh

No 1945 Sowar (Trumpeter) Bishen Singh

No 1318 Lance Duffadar Bata Singh

No 1528 Sowar Khar Singh

No 327 Sowar (Acting Lance Duffadar) Nand Singh

No 1303 Sowar Nath Singh

No 1375 Sowar Tara Singh

No 1012 Duffadar Wadhawa Singh

2nd Charge (alternative to the 1st) 'Knowing the existence of a conspiracy against the State and failing to give information thereof without delay to his commanding or other superior officer

in that he,

at Lahore Cantonment, between the 15th October 1914 and the 15th May 1915, being aware of the existence of a conspiracy by members of the 'Ghadr' (Mutiny) party to overthrow the Government by law established in British India, in pursuance of which conspiracy certain non-commissioned officers and men of the same regiment had agreed to rise in open mutiny, failed to give information thereof without delay to his commanding or other superior officer"

493

13th Sep.
1915.

Finding—The Court found that all the accused, with the exception of No 1945 Sowar (Trumpeter) Bishen Singh, were guilty of the first charge, and found No 1945 Sowar (Trumpeter) Bishen Singh guilty of the second charge

Sentence—The Court sentenced each of the accused, with the exception of No 1945 Sowar (Trumpeter) Bishen Singh, to suffer death by being hanged by the neck until he be dead, and sentenced No 1945 Sowar (Trumpeter) Bishen Singh to suffer transportation for life

Confirmation—In confirming the findings and sentences of the Court on the 26th August 1915, His Excellency the Commander in Chief was pleased to commute the sentence of death to one of transportation for life in the case of each of the following—

No 1775 Sowar Channan Singh

No 1526 Sowar Bishen Singh

No. 1528 Sowar Kehar Singh

No 1327 Sowar (Acting Lance Duffadar) Nand Singh

No 1393 Sowar Natha Singh

and, in the case of No 1945 Sowar (Trumpeter) Bishen Singh, to mitigate the sentence of transportation for life into one of transportation for ten years

The confirmed sentences of death were duly carried into execution at the Civil Jail Unalla, on the third day of September 1915.

493 Rewards—It is notified for information that it

War Office letter No 69
Gen L 2535 (A G 3), dated
30th July 1915

has been decided that soldiers who, at the date of their discharge from the Army, were not eligible for the award of the medal for Long Service and Good Conduct, and who have subsequently re-enlisted for the duration of the war, cannot be considered as eligible to be recommended for the grant of this distinction.

494. Supply and Transport—The Government of India sanction the employment of 600 mule drivers over and above the present authorised establishment

494

13th Sep.
1915.

Including the usual proportion of Lance Naicks &c. in every 4

These surplus drivers will be designated "B complement mule drivers," and will be engaged under the following special terms —

- (a) they will receive the same pay and concessions as the permanent establishment except that they will not be granted good conduct pay unless transferred as in (d) below,
- (b) they will be attested for the period of the war only, but will not be allowed to claim their discharge until 3 months after expiration of the war,
- (c) they will not be liable to be sent overseas, but will be attested for general service in India, or on or across the frontier of India,
- (d) they will be eligible at any time for transfer to the normal complement, and when so transferred, will count their previous service in the "B" complement towards gratuity and good conduct pay under ordinary conditions,
- (e) if not transferred to the normal complement they will, on final discharge, receive a gratuity of one month's pay for one year's service or less, two months' pay if the service is over one year but less than two years, and so on

495 —————

A D No
19th August

brought out to India and transmit them as soon as possible to the local auditors of commands in which their peace headquarters at home are situated

496 Army Orders—Attention is directed to the following Army Orders, dated 22nd June 1915 —

No XIII—Continuance in the Service under the provisions of Section 87 (1) of the Army Act

No XIV—Re engagement of Soldiers of the Territorial Force

493
13th Sep.
1915.

Finding.—The Court found that all the accused, with the exception of No. 1945 Sowar (Trumpeter) Bishen Singh, were guilty of the first charge, and found No. 1945 Sowar (Trumpeter) Bishen Singh guilty of the second charge.

Sentence.—The Court sentenced each of the accused, with the exception of No. 1945 Sowar (Trumpeter) Bishen Singh, to suffer death by being hanged by the neck until he be dead, and sentenced No. 1945 Sowar (Trumpeter) Bishen Singh to suffer transportation for life.

Confirmation.—In confirming the findings and sentences of the Court on the 26th August 1915, His Excellency the Commander in Chief was pleased to commute the sentence of death to one of transportation for life in the case of each of the following —

No. 1775 Sowar Channan Singh

No. 1526 Sowar Bishen Singh

No. 1528 Sowar Kebar Singh

No. 1327 Sowar (Attending Lance-Duffadar) Nand Singh

No. 1393 Sowar Natha Singh

and, in the case of No. 1945 Sowar (Trumpeter) Bishen Singh, to mitigate the sentence of transportation for life into one of transportation for ten years.

The confirmed sentences of death were duly carried into execution at the Civil Jail, Umballa, on the third day of September 1915.

493 **Rewards**—It is notified for information that it has been decided that soldiers who, at the date of their discharge from the Army, were not eligible for the award of the medal for Long Service and Good Conduct, and who have subsequently re-enlisted for the duration of the war, cannot be considered as eligible to be recommended for the grant of this distinction.

War Office letter No. 69
Gen N 2326 (A G 3), dated
20th July 1915

including the normal pay of 12.1 in every 4 months of Local Service. The surplus drivers will be designated 'B complement mule drivers,' and will be engaged under the following special terms :—

- (a) they will receive the same pay and concessions as the permanent establishment except that they will not be granted good conduct pay unless transferred as in (d) below ;
- (b) they will be attested for the period of the war only, but will not be allowed to claim their discharge until 3 months after expiration of the war ;
- (c) they will not be liable to be sent overseas, but will be attested for general service in India, or on or across the frontier of India ;
- (d) they will be eligible at any time for transfer to the normal complement, and, when so transferred, will count their previous service in the "B" complement towards gratuity and good conduct pay under ordinary conditions ;
- (e) if not transferred to the normal complement, they will, on final discharge, receive a gratuity of one month's pay for one year's service or less, two months' pay if the service is over one year but less than two years ; and so on.

495 Equipment—Territorial Units.—All territorial units should complete their accounts of clothing and equipment stores brought-out to India and transmit them as soon as possible to the local auditors of commands in which their peace headquarters at home are situated.

496. Army Orders.—Attention is directed to the following Army Orders, dated 22nd June 1915 :—

No. XIII.—Continuance in the Service under the provisions of Section 87 (3) of the Army Act.

No. XIV.—Re-engagement of Soldiers of the Territorial Force.

497
 13th Sep. 1915. 497 Recoveries from the estates of deceased Indian ranks—Erratum—The Government of India have been pleased to sanction the following amendment to India Army Order No. 177, dated 19th April 1915.

Army Department letter No H 7261, dated 24th August 1915
 Line 4, after "pay" delete the words "taken in the field".

F J AYLMER, *Major-General,*
Adjutant-General in India

SPECIAL.**INDIA ARMY ORDER****BY****HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA***Army Headquarters, Simla, the 14th September 1915*

The following notification which was published in the Gazette of India, dated 11th September 1915, is republished for information —

"No 888 With the approval of the Right Honourable the Secretary of State for India, the Governor-General in Council is pleased to sanction the following new rates of Indian pay of rank, armament and engineer pay for officers of the Royal Field Artillery, Royal Garrison Artillery and Royal Engineers These rates will have effect from the 1st April 1915 and will, as at present, carry exchange compensation allowance —

	Royal Field and Royal Garrison Artillery	Royal Engineers
	per mensem Rs	per mensem Rs
2nd Lieutenant	275	275
Lieutenant	325	325
Lieutenant after 6 years service	350	350
Captain	450	450
Captain after three years in rank and twelve years service	480	480
	Armament Pay	Engineer Pay
2nd Lieutenant or Lieutenant	20	80
Captain	45	135
Captain after three years in rank and twelve years service	60	150

B HOLLOWAY, Major General,
Secretary to the Government of India "

F J AYLMER, Major-General,
Adjutant-General in India.

SPECIAL.

INDIA ARMY ORDER

BY

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.**

Army Headquarters Simla the 14th September 1915

Furlough and Leave—Indian Army—It is notified for information that the Officer Commanding a regiment or depot on the recommendation of a single Medical Officer (when the convening of a Medical Board for this purpose is inconvenient having due regard to the public service) may grant sick leave to Indian soldiers (including Sub-Assistant Surgeons) who have returned from active service overseas

2 Indian soldiers including Sub Assistant Surgeons, who have returned from active service overseas may, even if they

in the case of all other Indian soldiers. As in the case of sick leave, such men should not be taken on the strength of their unit until after their return from convalescent leave, those who have already been taken on the strength of units may similarly be granted this leave

3 Men proceeding on the convalescent leave mentioned in paragraph 2 above will not be counted in the percentage laid down in India Army Order No 178 of 1915

4 The convalescent leave mentioned in paragraph 2 cannot be combined with the sick leave mentioned in paragraph 1 and neither can it be combined with the special leave sanctioned in India Army Order No 178 of 1915

5 The leave granted to Indian ranks under paragraphs 1 and 2 will entitle them to a free passage to and from their homes once in any one year. It will not count against the ordinary incidence of furlough when the war is over

F J AYLMER *Major-General,*

Adjutant General in India.

INDIA ARMY ORDERS

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.

Army Headquarters, Simla, the 20th September 1915

498 The London Gazettes of the 18th, 19th, 20th, 21st, 23rd, 24th and 25th August 1915, were received at Army Headquarters on the 14th September 1915

498

20th Sep.
1915.

499 Appointments—The Commander in Chief in India is pleased to make the following appointment—

Major A H Hayes R A M C to be Deputy Assistant Director, Medical Services (Sanitary), 8th (Lucknow) Division, with effect from 11th August 1915

500 Appointments—Regimental—The Commander-in-Chief in India is pleased to make the following appointments—

39th King George's Own Central India Horse—Major A. S. Capper, Second in Command, to be Officiating Commandant and Captain W B White, Squadron Officer, to be Officiating Second in Command, *vice* Lieutenant Colonel W D Daunt, granted leave Dated 17th August 1915

38th Sikh Pioneers—Major G C Hodgson, D S O. Double Comd and Captain to be temporary Brigadier General, Brigade Commander, Jhelum Brigade Dated 7th August 1915

121st Pioneers—Captain F F W. Baldwin, D S O, Company Commander, *pro tem*, to be temporary Second in Command, *vice* Major (now Lieutenant-Colonel) P. A. Andrews, proceeded on field service. Dated 10th December 1914.

501

20th Sep.
1915.

Captain J. C. Hathornthwaite, Double Company Officer, to be temporary Second-in-Command, *vice* Captain F. E. W. Baldwin, relieved. Dated 6th April 1915.

1st Battalion, 10th Gurkha Rifles.—Captain H. R. Williams, Double Company Officer, to be officiating Second-in-Command, *vice* Captain W. B. Baker, relieved. Dated 30th July 1915.

2nd Battalion, 1st King George's Own Gurkha Rifles (The Malaun Regiment)—Lieutenant-Colonel E. D. Monev, C I E, Second-in-Command, to be Commandant, *vice* Lieutenant-Colonel W. I. Ryder, vacated. Dated 21st August 1915

501 Equipment—The Government of India have sanctioned the issue of "Bando'ier Army Department No 5221-3 (O 4) dated the 26th August 1915 equipment, pattern '08, belts, waist" in the proportion of one per telephone on charge of all Royal Horse, Royal Field and Heavy Artillery batteries and then Brigade Headquarters, and all regiments of British and Indian Cavalry.

502 Pay and Allowances—It is notified that, with the approval of the Right Honourable the Secretary of State for India, the Government of India have decided that, as a special measure during the present war, and with effect from the commencement of the war, the staff pay of the appointment of squadron or double company commander shall be available for four officers serving with a regiment in the field, even though there may be a squadron or double company commander on the strength of the regiment serving at the depot.

503. Clothing—British Army—Indian Army Order No 355 of 1915 is cancelled, and the following substituted:—

The following amendment to Army Regulations, India,

Volume XI, has been approved —

504 —

Appendix IV, page 43 In the column 'Remarks' against the first entry "Rifles crossed, and crown, gold," add the word "Indian" before "Infantry," and insert the following as a new entry immediately below —

20th Sep.
1915.

"Rifles crossed,
and crown, gold"

16 permit in which
all the companies
have executed the
annual course

British infantry

504 Army Orders — Attention is directed to the following Army Orders dated 1st July 1915 —

No 265 — Territorial Force — Notification of Casualties affecting the issue of Separation Allowance and Allowments of Pay,

No 266 — Territorial Force Regulation — Amendment

505. Army Orders — Special Army Order No XIII, dated 23rd July 1915, is published for the guidance of officers and others proceeding to France —

XIII.—British Gold at the Front—It having been brought to notice that gold is not infrequently taken to France by officers and others proceeding on active service, it is notified for general information that such a practice is both unnecessary and highly undesirable. Ample official facilities exist for the provision of funds to troops on landing. If it is considered necessary to take some money, it should be in the form of banknotes and preferably notes. Money so taken should be exchanged through an officer of the Army Pay Department or through a money-changer or tradesman. Immediately upon their concentration camps in France they will be issued an officer of the Army Pay Department for the purpose of exchanging English money for French currency. Officers should apply to the cashier at the first opportunity.

General Officers Commanding units will take special steps to bring this to the notice of all ranks.

501

9th Sep.
1915.

Captain J C Hathornthwaite, Double Company Officer, to be temporary Second-in-Command, *vice* Captain F E W. Baldwin, relieved. Dated 6th April 1915

1st Battalion, 10th Gurkha Rifles—Captain H R Williams, Double Company Officer, to be officiating Second-in Command, *vice* Captain W B. Baker, relieved Dated 30th July 1915

2nd Battalion, 1st King George's Own Gurkha Rifles (The Maloun Regiment)—Lieutenant Colonel E D Money, C I E Second in Command, to be Commandant, *vice* Lieutenant-Colonel W I. Ryder, vacated Dated 21st August 1915

501 Equipment—The Government of India have sanctioned the issue of "Bandoier Army Department No 52 1-3 (O-4) dated the 26th August 1915 equipment, pattern '03, belts, waist" in the proportion of one per telephone on charge of all Royal Horse, Royal Field and Heavy Artillery batteries and the Brigade Headquarters, and all regiments of British and Indian Cavalry

502 Pay and Allowances—It is notified that, with the approval of the Right Honourable the Secretary of State for India, the Government of India have decided that as a special measure during the present war, and with effect from the commencement of the war, the staff pay of the appointment of squadron or double company commander shall be available for four officers serving with a regiment in the field even though there may be a squadron or double company commander on the strength of the regiment serving at the depot

503 Clothing—British Army—India Army Order No 355 of 1915 is cancelled, and the following substituted—

The following amendment to Army Regulations, India,

Volume XI, has been approved —

504—

Appendix IV, page 43 In the column 'Remarks' against the first entry 'Rifles crossed, and crown, gold,' add the word "Indian" before "Infantry," and insert the following as a new entry immediately below —

20th Sep.
1915.

"Rifles crossed, and crown, g ld"	16 per unit in which all the companies have executed the annual course	British infantry
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504 Army Orders—Attention is directed to the following Army Orders dated 1st July 1915 —

No 265—Territorial Force—Notification of Casualties affecting the issue of Separation Allowance and Allowments of Pay,

No 266—Territorial Force Regulations—Amendment

505 Army Orders—Special Army Order No XIII, dated 23rd July 1915, is published for the guidance of officers and others proceeding to France —

XIII—*British Gold at the Front*—It has been brought to notice that gold is not infrequently taken to France by officers and others proceeding on active service, it is notified

an officer of the Army Pay Department for the purpose of exchanging English money for French currency. Individual officers should apply to the cashier at the port of disembarkation.

General Officers Commanding and Officers Commanding units will take special steps to ensure that this Order is brought to the notice of all ranks under their commands.

506

20th Sep.
1915.

506 Passages—With reference to India Army Order No 46, dated 1st February 1915, as the accommodation at Bombay is insufficient for any more effects of deceased British officers and rank and file, awaiting despatch home they should be retained at regimental or other depôts until room on transports can be found by the Embarkation Commandant, Bombay, from whom instructions should be obtained direct.

2 Effects for despatch from Karachi can still be forwarded to the Embarkation Commandant who will hand them over to the Eastern Express Company in accordance with their offer of free transit as notified in India Army Order No 202, dated 3rd May 1915.

507 Passages—Regulations.—With reference to paragraph 83 (1) (2), Army Regulations India, Volume X, it has been decided that for movements within Indian limits since the outbreak of the present war, officers invalided out of India from field service (including operations on the frontier) shall be allowed —

Army Department letter
No H 74 dated 2nd September 1915

(i) Free conveyance for baggage on the temporary duty scale laid down in paragraph 104, *ibid*, and

(ii) lying down accommodation by rail on the conditions mentioned in paragraph 158-VII, when necessary in the opinion of the despatching medical officer.

508 Guards and Escorts—As there appears to be some misapprehension on the subject it is notified for information that men comprising a guard, whether found by Cavalry, Artillery Sappers and Miners or Infantry, will invariably be armed with rifles and carry the ammunition laid down in paragraph 84, Army Regulations, India, Volume II.

F. J. ALLNER, *Major-General,*
Adjutant-General in India.

INDIA ARMY ORDERS

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.*Army Headquarters, Simla, the 27th September 1915*

509 The London Gazettes of the 25th, 26th, 27th, 28th, 30th, 31st August and 1st September 1915 were received at Army Headquarters on the 23rd September 1915. 509
27th Sep.
1915.

510 Appointments—The Commander-in-Chief in India is pleased to make the following appointments—

Major R. D. Saigol, I.M.S., to be Specialist in Ophthalmology with effect from the 26th August 1915

Captain F. R. Coppinger, R.A.M.C., to be in charge of the Brigade Laboratory, Aden, with effect from 21st August 1915

Captain A. G. Dyce, 22nd Cavalry, to be Supply and Transport Officer, 5th Class, with effect from the 29th August 1915

511. Appointments—Regimental—The Commander-in-Chief in India is pleased to make the following appointments—

19th Lancers (Lane's Horse)—Lieutenant-Colonel G. J. Gregory, Second-in-Command, to be Commandant and Major D. H. McNeile, Squadron Commander, to be Second-in-Command, *vice* Lieutenant-Colonel A. G. Medley, *vacant*. Dated 28th August 1915

20th Duke of Cambridge's Own Infantry (Hemphill's Punjab)—Major R. S. St John, District Company Commander, to be temporary Commandant, *vice* Lieutenant-Colonel C. Rattray, appointed temporary Assistant Quartermaster General. Dated 6th September 1915.

42nd Deol's Regiment—Major A. G. M. Hogg, District Company Commander, to be temporary Second-in-Command in an existing vacancy. Dated 16th September 1915.

83rd Wallajahabad Light Infantry—Major W. J. V. Brackenbury, District Company Commander, 42nd Deol's Regiment, to be temporary Second-in-Command, *vice* Lieutenant G. D. S. LeMessurier, relieved. Dated 16th September 1915.

512
27th Sep.
1915.

1st Battalion, 1st King George's Own Gurkha Rifles
(The Malann Regiment) — Major M. L. Dopping-Hepenstal,
Double Company Commander, to be Second-in-Command,
pro tem, vice Major C Bliss, C I E., killed in action Dated
23rd December 1914.

*510 ...

In lieu of the third ordinary
try Schools in India, promul-
10 of 10th January 1915,
the Government of India have
accorded sanction to the substitution
of the following† —

† Government of India,
Army Department, letter
No 11640-5 (C G S), dated
9th September 1915

No	DATES		PACIFIC			CHANGA GALT			SARAB			REMARKS
	Machine Gun	Machine Gun	British officers	British non-commissioned officers	Indian ranks	British officers	British non-commissioned officers	Indian ranks	British officers	British non-commissioned officers	Indian ranks	
1	3rd to 27th September	28th September to 15th October										
2	3rd September to 15th October	16th to 30th October										
3	"	10th September to 2nd October	13	12	12							Special machine gun course
4	10th September to 25th October	25th October to 15th November				25	25	25				Ordinary course for regular units
5	"	4th to 25th October	12	12	12							Special machine gun course
6	15th October to 1st November	2nd to 2nd November							27	27		For officers and non-commissioned officers 43rd 44th and 45th divisions
7	4th to 27th November	28th November to 15th December	22	22								ditto.
8	"	16th November to 10th December				12	12	12				Special machine gun course
9	"	11th November to 17th December							15	15	15	ditto
Totals			24	24	24	37	37	37	18	18	18	
GRAND TOTAL			46	46	46	37	37	37	54	54	54	

† Held at Rawal Pindi.

(The italic entries refer to courses for Territorial units)

* Issued as a Special India Army Order, dated 20th September 1915.

- (a) Allotments for the various courses will be made by the Commandant, Central School of Musketry, in direct communication with divisional commanders. 27th Sep. 1915.
- (b) Officers and non-commissioned officers attending the musketry courses should have a thorough knowledge of paragraphs —

12 to 44	} Musketry Regulations, Part I, 1909 (Reprint 1914).
84 to 117	
198 to 276	
296 to 306	

- (c) Officers and non-commissioned officers attending the special machine gun courses should, prior to their arrival, have a knowledge of —
- (i) Theory of rifle fire, especially as affecting collective fire Musketry Regulations, paragraphs 164 to 196
- (ii) Fire direction and control, especially the methods of issuing fire orders and indicating targets
- (iii) They should all be able to take ranges quickly and accurately with the mekometer under service conditions, and be able to prepare range cards and key range charts.

513 Clothing—Indian Army.—The Government of

India sanction* the following arrangements in connection with the provision and maintenance of kits of transport reservists who have been embodied for service during the present war —

- (i) On embodiment the kits of the men will be supplemented under corps arrangements by free issues at the public expense according to the scale noted in the annexure to this order.

* Army Department No. II 7576 dated 6th September 1915.

1st Battalion, 1st Ki
(The Malayan Regiment) --
Double Company Comm-
pro tem, vice Major C Bl
23rd December 1914

27th Sep.
1915.

*512 Musketry Cou
course of musketry at the
gated in India Army Ord

† Government of India
Army Department letter
No 116405 (GGS) dated
9th September 1915

No	DATES		FACH MANUS	
	Musketry	Machine Gun	British officers	British non-commissioned officers
1	3rd to 27th September	28th September to 12th October		
2	" " "			
3				
4	10th September to 26th October	26th October to 9th November	-	-
5		4th to 25th October	1*	12
6	16th October to 24th November	9th to 2nd November		
7	4th to 27th November	20th November to 14th December	2	34
8	"	22nd November to 10th December		
9	"	20th November to 17th December		
		Totals	4	46
		GRAND TOTAL	40	54

1 Held at Rawal Pindi

(The italic entries refer to c 117)

Approved as a Special India Army Or
applied
re-emp
Order No

NOTES with reference to the above —

513

- (a) Allotments for the various courses will be made by the Commandant, Central School of Musketry, in direct communication with divisional commanders
- (b) Officers and non-commissioned officers attending the musketry courses should have a thorough knowledge of paragraphs —

27th Sep
1915

12 to 41	} Musketry Regulations, Part I, 1909 (Reprint 1914)
84 to 117	
198 to 276	
296 to 306	

- (c) Officers and non commissioned officers attending the special machine gun courses should, prior to their arrival, have a knowledge of —
- (i) Theory of rifle fire, especially as affecting collective fire Musketry Regulations, paragraphs 164 to 196
- (ii) Fire direction and control, especially the methods of issuing fire orders and indicating targets
- (iii) They should all be able to take ranges quickly and accurately with the mekometer under service conditions, and be able to prepare range cards and key range charts

513 Clothing—Indian Army—The Government of

India sanction* the following arrangements in connection with the provision and maintenance of kits of transport reservists who have been embodied for service during the present war —

* Army Department No II 7326 dated 6th September 1915.

- (i) On embodiment the kits of the men will be supplied under corps arrangements by free issue at the public expense according to the scale in the annexure to this order.

1915

514

27th Sep.
1915.

- (ii) Renewals of any articles during the period between the dates of embodiment and mobilization will be made at the public expense by the commandant, subject to the minimum periods of duration noted in the annexure. Condemned articles will be sold and the proceeds credited to the State.
- (iii) On mobilization the kits will be completed to the field service scale. They may, at their discretion, be granted (or the grant of) 1 jersey and 1 pair of pyjamas, warm, in anticipation of the issue to which the men will be entitled on mobilization. Should the men not be mobilized the articles of warm clothing will be withdrawn at the commencement of the hot weather and the jerseys and pyjamas disposed of to the best advantage, the blankets being returned to the Supply and Transport Corps.
- (iv) On demobilization action similar to that prescribed in the latter half of (iii) above will be taken. Should any of the other articles included in the scale noted in the annexure be unserviceable, or deficient, they will be replaced at the public expense by the officer commanding, training unit, in accordance with the rule in Army Regulations, India, Volume XI, paragraph 170.

2. No clothing allowance will be drawn during embodiment, and any that may have been drawn should be refunded.

514. Pay and Allowances—It is notified that the Government of India have approved of the grant of a special allowance *pro tempore* to all Territorial Army

Army Department No.
H-7200, dated 20th August
1915

Order No. 392 of 1915.

The provisions of India Army Order 136 of 1915 also apply to Territorial Army officers and retired officers in Army of pay.

283 of 191

515 Pay and Allowances—Signal Service—It is notified for information that the Government of India have sanctioned, as a temporary measure for the duration of the war, the continuance of proficiency pay, at the rate last received by them in their units, to British soldiers undergoing instruction at the Signal Service Depot, Poona, with a view to proceeding as reinforcements to Indian Signal Units on service until such time as they become qualified for Engineer pay according to signalling qualifications. Proficiency pay thus drawn will be in addition to the rates of regimental pay admissible to British ranks of the Indian Signal Service

515

27th Sep
1915.

Army Department No
H 7549 dated 7th Septem
ber 1915

sanctioned, as a temporary measure for the duration of the war, the continuance of proficiency pay, at the rate last received by them in their units, to British soldiers undergoing instruction at the Signal Service Depot, Poona, with a view to proceeding as reinforcements to Indian Signal Units on service until such time as they become qualified for Engineer pay according to signalling qualifications. Proficiency pay thus drawn will be in addition to the rates of regimental pay admissible to British ranks of the Indian Signal Service

516 Pay and Allowances—With reference to India Army Order No 323 of 1915, it is notified that the Government of India have decided that soldier clerks holding substantive *pro tempore* Unattached List appointments will, on being deputed for field service as military clerks, receive the pay they were receiving at the time of such deputation, *plus* fifty per cent field allowance

***517 Pay and Allowances**—The following notification which was published in the Gazette of India, dated 11th September 1915, is republished for information —

"No 838 With the approval of the Right Honourable the Secretary of State for India, the Governor-General in Council is pleased to sanction the following new rates of Indian pay for officers of the Royal Garrison Artillery and Royal Engineers to take effect from the 1st April 1915 and will, as at present, carry exchange compensation allowance —

	Royal Field and Royal Garrison Artillery	Royal Engineers
	per mensem.	per mensem
	Rs	Rs
2nd Lieutenant	275	275
Lieutenant	325	325

27th Sep.
1915

	Royal Field and Royal Garrison Artillery	Royal Engineers
	Per mensem	Per mensem
Lieutenant after 6 years service	Rs 350	Rs 350
Captain after three years in rank and twelve years service	400	450
2nd Lieutenant or Lieutenant	480	480
Captain		
Captain after three years in rank and twelve years service	Armament Pay 20 45 60	Engineer Pay 50 125 150

B HOLL
Secretary

*518 Furlough and Leave—
 notified for information that the Officer
 or deposit on the recommendation of
 (when the convening of a Medical
 is inconvenient having due regard to
 grant a leave to Indian soldiers (

Surgeons) who have returned from a
 2 Indian soldiers, including Sub
 have returned from active service over
 have been reported fit for duty, be granted
 the Officer Commanding the unit or de
 of 4½ months in the case of Gurkha se
 in the case of all other Indian soldiers
 sick leave, such men should not be taken
 their unit until after their return from
 those who have already been taken on t
 may similarly be granted this leave
 3 Men proceeding on the convalescent
 in paragraph 2 above will not be counte
 laid down in India Army Order No 174

* Issued as a Special India Army Order dated 11/11/15

mentioned in paragraph 2 can-
ave mentioned in paragraph
ed with the special leave
No 178 of 1915

ranks under paragraphs 1
and 2 will entitle them to a free passage to and from
their homes once in any one year. It will not count against
the ordinary incidence of furlough when the war is over.

519. General Provident Fund for Government Ser-
vants.—The note below is substituted for the note to clause
(2) of Rule 11 of the Rules regulating the General Pro-
vident Fund published as an annexure to India Army Order
No. 113, dated 2nd August 1915 —

516 Advances, though not confined rigidly to the objects laid
Army Order . . . (a) to (c) above, will be made with due regard to the
in clause (1) of this rule as illustrated by the fore-
Army Department
H 741 dated 7th Septem-
ber 1915

ments will on being . . . Postal Agency.

*517 Pay and Allowances in cases where that route is quickest
which was published in . . . is therefore made to India Army
tember 1915, is republi-

"No 858 With Presidency Postmaster, Bombay," in-
the Secretary of State
Council is pleased to direct for Indian Expeditionary Force
Indian pay of rank, may be sent care of Postmaster, Karachi,
of the Royal Field Artillery where that route is quickest"
Royal Engineers
April 1915 and will

sation allowance range on the Mexican Dollar—Intimation
ved from the Treasury Chest Officer, Hong
the official rate of exchange on the Mexican
the month of September 1915 will be one shilling
once at Hong Kong and on the China Station.

2nd Lieut.
Legal and Judicial—Indian Army.—The follow-
corrections to the Manual of Indian Military Law have

523 been approved and will be published in the Appendix to
 27th Sep. India Army Orders, January 1916 —
 1915.

Page 139 —

The correction made by July Appendix 105 to India
 Army Orders, 1915 is cancelled
 Page 249.—

For the corrections made by July Appendix 105 to India
 Army Order 1915 substitute the following —
 "After clause (C) insert the following new clause —

'(D) Each depôt of Indian Cavalry and each depôt
 of Indian Infantry shall be a 'corps' for
 the purposes of sub-section (1) of section 76
 of the said Act"

In line 7 of the note to rule 161, after the
 "detachments" insert the following —

'The bodies specified in clause (D) are 'corps'
 the purposes of section 76 (1) only.'

Page 250 —

The correction made by July Appendix 105 to India
 Army Orders, 1915 is cancelled

523 Forms — The following form has been intro-
 duced —

Army Form A 3 — Form for Assembly and Proceedings
 of Field General Court Martial on Active Service

The following forms have been revised —

India Army Form M-1211 — Health Certificate.

To be taken into use at once, copies of the old form
 being wasted

India Army Form S-1525. — Sea Rations and Equip-
 ment Table

ending a reprint the following alteration should be
 ed out in manuscript —

523

In Table 5, "Ration scales for animals" *against*
 "Horses" under 'Hay and dry fodder' *for* "10"
substitute "12"

 27th Sep.
 1915.

India Army Form Z 2011—Memo Book

The revised form provides more than double the writing
 of the old form

The following form has been cancelled —

India Army Form G 1053—Register of Individual
 Target Practice, Indian Army (books of 50)

The following alterations are made to India Army Form
 101 —

Pages 2 and 3 — Insert in the first three columns —

G	Form for Assembly and Proceedings of Field General Court Martial on Active Service
---	--

In the Remarks Column *insert* "Supplied to General
 Officer Commanding in
 the Field as required."

Pages 86 and 87 — Delete all entries against G 1053.

I J AYLMER, Major General,

Adjutant General in India.

ANNEXURE TO INDIA ARMY ORDER No. 513 OF
1913.*Scale of kit for transport reservists embodied for service.*

Articles	Scale to be maintained.	Period of duration.
Blanket	1	1 year.
Boots, ankle (or shoes)	1*	9 months.
Brush, boot	1†	} First issue only.
Dubbing tin .	1†	
Haversack .	1*	1 year
Kamarband, khaki (only by ranks wearing it)	1*	1 year
Kullah khaki (if worn) .	1*	6 months.
Puggi khaki .	1*	6 months
Puttees khaki .	1*	6 months
Suits, khaki drill	1*	9 months.
Ration receptacle ..	2*	First issue only.

* Already in possession.

† The grant of Rs 130 to each reservist for the purchase of these articles is allowed.

F. J. AYLIN, Esq., Major, R.A.

Adjutant-General, India.

INDIA ARMY ORDERS

9/10/15

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.*Army Headquarters, Simla, the 4th October 1915*

524 The London Gazettes of the 2nd 3rd, 4th 6th, 7th and 8th September 1915 were received at Army Headquarters on the 28th September 1915

524

4th Oct.
1915.

525 Appointments—The Commander in Chief in India is pleased to make the following appointments —

Major D G Carmichael R A M C, to be Specialist in Midwifery and Diseases of Women and Children, 3rd (Lahore) Divisional Area, from the 10th September 1915

Captain H C Buckley I M S, to be Specialist in Advanced Operative Surgery, with effect from 28th August 1915

526 Appointments—Regimental—The Commander in Chief in India is pleased to make the following appointments —

15th Punjabis — Major H C D Jarrett, Double Company Officer, to be Double Company Commander, *vice* Major F T Dhan, killed in action, and to remain in his present field service appointment

32nd Sikh Pioneers — Colonel (temporary Brigadier-General) A. S. Cobbe, V C, D S O, A - D - C, Second in Command, to be Commandant, *vice* Colonel (temporary Brigadier-General) F H Peterson, D S O, vacated, and to remain in his present field service appointment

87th Punjabis — Major G H Prevost Double Company Commander, to be Second in Command, *vice* Lieutenant Colonel D R Adye, appointed Commandant, 98th Infantry, and to remain with the 2nd (Provisional) Battalion, 87th Punjabis,

527

4th Oct.
1915

121st Pioneers—Lieutenant-Colonel F. A. Andrew, Second in Command, to be Commandant, *vice* Lieutenant Colonel P. C. Laing, vacated Dated 11th September 1915

Major E. N. Heale, Double Company Commander, to be Second in-Command, *vice* Lieutenant Colonel F. A. Andrew appointed Commandant, and to remain in his present field service appointment

1st Battalion, 10th Gurkha Rifles—Major F. E. Coningham, 2nd in-Command, to be temporary Commandant, *vice* Lieutenant-Colonel H. W. R. Senior, appointed temporary General Staff Officer, 1st Grade, 8th (Lucknow) Division Dated 16th November 1914

Major D. S. Gale, Double Company Commander, to be officiating Commandant and Captain W. B. Baker, Double Company Officer, to be officiating Second in-Command, *vice* Major F. E. Coningham; employed as additional General Staff Officer, 1st Grade, Burma Division Dated 1st July 1915

(That portion of Southern Army Order No. 3 of 1915 relating to the appointment of Major F. E. Coningham, 1st Battalion, 10th Gurkha Rifles is cancelled)

527 Pay and Allowances—Indian Army—The Government of India have been pleased to sanction officers commanding depôts being given a permit to advance sufficient to cover the cost of money order commission on remittances made monthly on account of family allowances of Indian ranks, the actual amount incurred being recovered monthly from the Divisional Disbursing Officer concerned on Indian Army Form A 115 and the claim being supported by the Post Office receipts

The advance will be obtained in accordance with the rules in paragraph 11, Army Regulations, India, Volume III

528 Stationery—Field Offices—The Government of India have sanctioned the issue of adhesive "Bi gum" in collapsible tubes in lieu of the Gum Arabic and gum bottles with screw tops at present supplied as articles of field office equipment. The

Army Department letter
No. 2173 dated 27th
August 1915

Army Department letter
No. 2173 (A G 2) dated
21 September 1915

"Bi gum" will be issued on the scale now authorised for Gum Arabic as soon as the existing stock of the latter is exhausted

529

4th Oct.
1915.

2 The necessary amendments will be made in due course to the "Tables of Books, Forms and Stationery taken into the Field by the Army in India"

529 Recruiting—British Army—Enlistments in the Regular Army—With reference to India Army Orders Nos 639 and 669 of 1911, attestations of individuals enlisting or re-enlisting in the Regular Army for the duration of the war, will be carried out on the new shortened form of attestation, Army Form B-250, the notice paper being Army Form B-2505-A

Supplies of these forms have been despatched to General Areas, additional Areas, addition all concerned for India Forms

530 Army Orders—Attention is directed to the following Army Orders, dated 1st August 1915 —

No 281 National Health Insurance Act, 1911—Maternity Benefit

No 282 Territorial Force—Enlistments into Regular Army etc.

No 301 Rate of Exchange—Expeditionary Force

No 305 King's Regulations—Amendments

531 Pay and Allowances—S M D—The Governor of India sanction the grant of sub charge allowances under paragraph 957, Army Regulation India, Volume I, on the scale authorised for an Indian General Hospital to Sub-Assistant Surgeons in Sub medical charge of Field Ambulances, Stationary Hospitals of 100 beds or over, and 2 or more Sections of Clearing Hospitals

Army Department letter
No H 7780 dated 15th
September 1915

527

4th Oct.
1915.

121st Pioneers—Lieutenant-Colonel F. A. Andrew, Second in Command, to be Commandant, *vice* Lieutenant Colonel F. C. Laing, vacated Dated 11th September 1915

Major E N Heale, Double Company Commander, to be Second in-Command, *vice* Lieutenant Colonel F. A. Andrew appointed Commandant, and to remain in his present field service appointment

1st Battalion, 10th Gurkha Rifles—Major F E Coningham, 2nd in-Command, to be temporary Commandant, *vice* Lieutenant-Colonel H W R Senior, appointed temporary General Staff Officer, 1st Grade, 8th (Lucl now) Division Dated 16th November 1914

Major E S Gale Double Company Commander, to be officiating Commandant and Captain W B Baker, Double Company Officer, to be officiating Second in-Command, *vice* Major I L Coningham; employed as additional General Staff Officer, 1st Grade, Burma Division Dated 1st July 1915.

(That portion of Southern Army Order No 3 of 1915 relating to the appointment of Major F E Coningham, 1st Battalion, 10th Gurkha Rifles, is cancelled)

527 Pay and Allowances—Indian Army—The Government of India have been pleased to sanction officers commanding depôts being given a permanent advance sufficient to cover the cost of money order commission on remittances made monthly on account of family allotments of Indian ranks, the actual amount incurred being recovered monthly from the Divisional Dispensing Officer concerned on India Army Form A-11, and the claim being supported by the Post Office receipts

The advance will be obtained in accordance with the rule in paragraph 41, Army Regulations, India, Volume III

528. Stationery—Field Offices.—The Government of India have sanctioned the issue of adhesive "Bi-gum" in collapsible tubes in lieu of the Gum Arabic and gum bottles with screw tops at present supplied as articles of field office equipment. The

Army Department letter
No. 11 7327 dated 27th
August 1915

Army Department letter
No. 11 7327 (A G 2) dated
27th September 1915

"Bis gum" will be issued on the scale now authorised for Gum Arabic as soon as the existing stock of the latter is exhausted

529

4th Oct.
1915.

2 The necessary amendments will be made in due course to the "Tables of Books, Forms and Stationery taken into the Field by the Army in India"

529 Recruiting—British Army—Enlistments in the Regular Army.—With reference to India Army Orders Nos 639 and 667 of 1914, attestations of individuals enlisting or re enlisting in the Regular Army for the duration of the war, will be carried out on the new shortened form of attestation, Army Form B-2505, the notice paper being Army Form B-2505-A

Supplies of these forms have been despatched to General Officers Commanding Divisions and Divisional Areas, additional supplies can be obtained as required by all concerned from the Contractors for Printing Government of India Forms

530 Army Orders—Attention is directed to the following Army Orders, dated 1st August 1915 —

No 281 National Health Insurance Act, 1911—Maternity Benefit

No 282 Territorial Force—Enlistments into Regular Army, etc.

No 301 Rate of Exchange—Expeditionary Force

No 305 King's Regulations—Amendments

531 Pay and Allowances—S.M.D.—The Government of India sanction the grant of sub charge allowances under paragraph 957, Army Regulations, India, Volume I, on the scale authorised for an Indian General Hospital to Sub Assistant Surgeons in Sub-medical charge of Field Ambulances, Stationary Hospitals of 100 beds or over, and 2 or more Sections of Clearing Hospitals

Army Department letter
No H 7780 dated 15th
September 1915

532

11th Oct.
1915.

532 Discipline—Indian Army It has been brought to notice that considerable inconvenience is caused to the police authorities by the omission of commanding officers to notify the police when deserters from the Indian Army have rejoined their units or cease to be liable to apprehension.

The attention of all concerned is called to paragraph 40, Army Regulations, India Volume II, the provisions of which should be strictly adhered to.

Attention was drawn to this matter in India Army Order No 671 of 1910.

533 Funds—Indian Services—The attention of Officers concerned is invited to the report on the Valuation of the Assets and Liabilities arising under the Indian Military Service Family Pension Regulations as on the 31st March 1914, which was published in the Gazette of India Part I, dated 21st July 1914.

2 Non-subscribers can obtain copies of the Gazette of India on payment by applying to the Superintendent, Government Printing Office.

534 Arms and equipment—Warrant officers and Staff Sergeants of dismounted units and Warrant and Non Commissioned Officers of the Indian Unattached List will not be armed with the sword on active service. The former will be equipped with the same accoutrements as the rank and file, the latter being armed with the pistol only.

2 Non-commissioned officers extra regimentally employed on service will retain the equipment of the unit to which they belong.

535 Accounts—Receivable orders granted by Military Officers—The attention of all Officers is called to the fact that the only authority to grant receivable orders (I. A. F. Ac. 07) for payment into Civil treasuries of moneys for credit to the military department, is drawn to India Army Orders Nos 217 and 127 of 1913. Care must be taken to enter in the order the correct Controller

4th Oct.
1915.

of Military or Marine Accounts by whom the credit is adjustable. In case of doubt the nearest Controller of Military Accounts should be referred to.

As the receipts granted by Treasury Officers for such * See Note at foot of payments are not always * forwarded by the depositor to the officer issuing the receivable order, the latter officer will be held responsible that the treasury receipt in support of each receivable order issued by him is promptly obtained and passed on to the Account Officer concerned. In order to ensure this, he will use the counterfoil of the receivable order (I A F. A 507) as a means of ensuring the receipt of the treasury receipt and calling for any that have not reached him within a week or so of the date of the receivable order granted.

536 St John Ambulance Association—The following Challenge Trophies will be competed for at Calcutta on 8th January 1916.—

- (a) Cup presented by His Highness Major-General the Maharaja Scindia of Gwalior, G.C.B., G.C.S.I., for competition among British units of the Regular Army
- (b) Cup as above for Indian units of the Regular Army
- (c) Shield presented by His Highness the Raja of Dewas (Junior Branch) for competition among units of the Imperial Service Troops,
- (d) His Majesty the King Emperor's Shield for competition among volunteer units

CONDITIONS FOR (a) AND (b)

1. Any British (or Indian) unit of the Regular Army may send a team

2. A team must consist of four men, all being effective and borne on the strength of the corps they represent, and either holders of the St John Ambulance Association's First Aid Certificate or regimental stretcher bearers trained in accordance with Army Regulations, India, Volume II, and the King's Regulations.

CONDITIONS FOR (c)

4th Oct.
1915.

1. The competition is open to all units of the Imperial Service Troops

2. A team must consist of four men, all being holders of the St John Ambulance Association's First Aid Certificate

3. No uniform is to be worn by any member of a team, but they may all be dressed alike, provided no distinguishing badge is worn

4. Members of the team which wins the Challenge Shield are debarred from competing for the next two years

CONDITIONS FOR (d)

2

1. Any volunteer corps other than railway volunteers to whom a shield has already been allotted for competition, may send one or more teams

2. As for competition (c) condition 2

CONDITIONS COMMON TO ALL

1. Each corps wishing to enter a team must notify the same not later than 1st December 1915 to the General Secretary, St John Ambulance Association (Simla, till 30th October 1915 after that date Delhi)

2. The teams will be judged throughout on the basis of the *Indian Manual of First Aid* and the *Indian Catechism of First Aid*

The Judges will be careful not to go outside the scope of the above manuals

3. The competition will be divided into—

4. *Team Test* consisting of stretcher drill first aid to the injured and wounded, and carriage of the sick and injured

An individual Test in the treatment of the wounded, injured and sick

4. The total number of marks available will be 1,000 which will be allotted as follows

Team Test 500

Individual Test 500 (12 1/2 for each competitor)

o There will be five Judges, one for the *Team Test* and four for the *Individual Test*, and a Moderator who will control the conduct of the examination and collate the results furnished by the Judges. In the event of a tie he will submit the tying team to a further and uniform test

536

4th Oct.
1915.

6 Competing teams must bring their own stretchers.

7. No one except the officials conducting the competition or persons introduced by them may be present at the tests.

8. The challenge trophy will be held by the winning team for one year.

9 The challenge trophy, silver badges and Rs. 100 will be awarded to the winning team, whilst bronze badges and Rs 50 will be awarded to the runners-up.

10 No person holding a medical degree or diploma is eligible to compete

11. Instructions for competitors and railway concession tickets will be issued as soon as possible after the 1st December 1915

12 The Indian Railway Conference has granted the following concession to competitors —On production of a certificate signed by the Secretary of the Meeting or General Secretary of the St John Ambulance Association, competitors travelling to Calcutta to take part in the All-India Ambulance Competitions can obtain return tickets available for one month, which shall be granted to (a) Euro-

IN

NOTE —^{add} This concession does not apply to persons who may be entitled to travel on other concessions

13 Competitors must make their own arrangements for accommodation and messing at Calcutta

F. J. AYLMER, *Major-General,*
Adjutant General in India.

SPECIAL.

INDIA ARMY ORDER

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.

Army Headquarters, Simla, the 20th September 1915

Musketry Courses—In lieu of the third ordinary course of musketry at the Musketry Schools in India, promulgated in India Army Order No 10 of 10th January 1915,

the Government of India have
accorded sanction to the substitution
of the following*—

* Government of India,
Army Department, letter
No. 11610-5 (C.G.S.), dated
9th September 1915

DATE		PACIFIC MOUNT		CHONGLA GALI		SATARA		REMARKS
Musketry	Machine Gun	British officers	British non-commissioned officers	Indian ranks	British officers	British non-commissioned officers	Indian ranks	
3rd to 27th September	28th September to 19th October				27	27		For officers and non-commissioned officers 43rd and 45th divisions
3rd September to 15th October	15th to 25th October						45	Ordinary course for Indian ranks
	10th September to 1st October	13	13	13				Special machine gun course
10th September to 23rd October	2nd October to 9th November			25	25	25		Ordinary course for regular units
	4th to 25th October	13	13	13				Special machine gun course
15th October to 5th November	9th to 22nd November				27	27		For officers and non-commissioned officers 43rd, 44th and 45th divisions
4th to 27th November	29th November to 14th December	23	24					Ditto
	22nd November to 10th December			12	12	12		Special machine gun course
	29th November to 17th December				13	13	13	Ditto.
	Totals	24	24	24	27	27	27	65
		27	24			64	64	
	GRAND TOTAL	40	29	24	27	27	65	65

† Held at Rawal Pindi

(The italic entries refer to courses for Territorial units)

NOTES with reference to the above —

- (a) Allotments for the various courses will be made by the Commandant, Central School of Musketry, in direct communication with divisional commanders.
- (b) Officers and non-commissioned officers attending the musketry courses should have a thorough knowledge of paragraphs —

12 to 44	} Musketry Regulations, Part I, 1909 (Reprint 1914)
54 to 117	
198 to 276	
296 to 306	

- (c) Officers and non-commissioned officers attending the special machine gun courses should, prior to their arrival, have a knowledge of —
- (i) Theory of rifle fire, especially as affecting collective fire. Musketry Regulations, paragraphs 164 to 196.
- (ii) Fire direction and control, especially the methods of issuing fire orders and indicating targets.
- (iii) They should all be able to take ranges quickly and accurately with the inclinometer under service conditions, and be able to prepare range cards and lay range charts.

F. J. AYLMER, Major-General,
Adjutant General in India

SPECIAL.

INDIA ARMY ORDER

BY

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.**

Army Headquarters, Simla, the 6th October 1915

PURLOUGH AND LEAVE.

The following extra concessions as regards leave are introduced from October 15th, 1915 to February 15th, 1916:—

British Officers—In addition to, or in combination with any leave granted under India Army Order No. 131 of 1915, district or temporary leave for a period of 15 days, within 48 hours recall, may be granted to all British Officers, at the discretion of General Officers Commanding Divisions, Divisional Areas and Independent Brigades and without reference to the limit per cent laid down in the abovequoted India Army Order.

Indian Ranks—In addition to the leave sanctioned by India Army Order No. 178 of 1915, an additional 5 per cent. per unit may be allowed district or temporary leave up to a maximum of 15 days

P. J. AYLMER, Major-General,
Adjutant-General in India.

SPECIAL.

INDIA ARMY ORDER

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.

Army Headquarters, Simla, 11th October 1915.

Army Headquarters' Camp Offices.—The Camp Offices of the Branches of Army Headquarters detailed below will open at Delhi on Tuesday, the 2nd November 1915, and correspondence on the following subjects will be addressed to Delhi during the ensuing cold season :—

GENERAL STAFF BRANCH.

All communications, except those for the Translation Officer, relating to war, internal security, disturbances, raids, and connected subjects.

ADJUTANT GENERAL'S BRANCH.

All questions relating to the Territorial Force.

Cadet Colleges.

Ceremonial.

Pay and Allowances, I. A.

Ecclesiastical, I. A.

Followers.

Interior Economy, I. A.

Indian Cavalry.

Discipline, I. A.

Discharges, I. A.

{ Including telegraphic reports of
desertions, and monthly return
of desertions.

{ All applications for summary dis-
missal or discharge of Indian
Officers.

• Judicial, I.A.

Rewards, I A 1 (4) Including recommendations for -

(1) V C, I O M, I D S
M, Military Cross

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(6) O B I 111 111 111

(iii) Courtesy Titles

(tt) Grants of land

(c) G C and M S Medals

Organization, I A

Recruiting, I A

Receiver, I A

(Drafts and reinforcements for Units in the field
Volunteers, Indian

Reserves B A

Recruitment: B

Drafts from 18

All questions pertaining to the mobilization of combatants

units, British and Indian

Supply of combatant supervising personnel, etc.

Progress reports on the mobilization of units

Allocation of units: $1 \rightarrow 1$ 11A

Raising of Volunteer Detachments for special service

Artillery

[illegible]

Regressions

111

A. A. Meese and first two authors are grateful to Casual

All references in regard to que lions relative to

ties in the wounded and sick in the
hospital. There will be made to Syria

ILLUSTRATIONS: BRONCH

1. *Chlorophyll a* (Chl *a*)

Trans

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Supply and Transport Establishments, Accounts and Budget. Budget estimates, Grant 4 (excluding Farms) therewith, Reappro-
e.c.

Officers British, and British ranks, Indian Establishments, superior and inferior, except Indian Officers, non-commissioned officers and men of Transport.

All appointments in connection with War—1914.

Army List, General, Medical, Memorials and petitions, Organisation, Training Establishments, Rawalpindi, and courses of instruction.

Supplies

terms, scales of issue, acquisition by contract, purchase and other means, maintenance of mobilisation fort and other reserves of these articles

Transport gear of Supply and Transport supply, including acquisition and maintenance of reserves kept in supply charge.

Acquisition and despatch of articles of Supply and Transport Corps supply required in the field.

2 Compensation for dearth of food and of forage; administration of Grant 13.

Transport All questions directly incidental to the War, Mobilisation of Transport, reinforcements etc. but excluding Mechanical Transport, questions relating to purchase and distribution of transport animals, Budget questions relating to transport animal

Clothing

of

Bu

(including) Miscellaneous and all correspondence connected therewith

All urgent correspondence regarding clothing, dress and necessaries British and Indian Army, or ordinary correspondence on the above subjects should continue to be addressed to Simla

Re note All remount (Horse and Mule) questions connected with War—1914 and Accounts and Budget of the Army Remount Department

MEDICAL BRANCH

Ambulance Transport

Army Bearer Corps

Movements of Indian Medical Service Officers

Questions relating to Pay and Allowances, and movements of Sub Assistant Surgeons

Medical Mobilisation and Intelligence

Medical Organisation and Equipment for War

Permanent Cadet appointments I M S

X-Ray

War (all questions except statistics, the conveyance and disposal of sick and wounded in India and sanitary appliances)

War Gifts of all descriptions

Red Cross Gifts

St John Ambulance Motor Ambulance

GENERAL

Telegrams and urgent references on the subjects detailed above will be received at Simla as under —General Staff Branch —Evening of 31st October 1915

Medical Branch —To 12 noon on 1st November 1915

Adjutant General's and Quarter-Master-General's Branches } To 1st November 1915

F J ALLMER, Major General,
Adjutant General in India.

INDIA ARMY ORDERS

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.

Army Headquarters, Simla, the 11th October 1915

531 ~~London~~ London Gazettes of the 9th, 16th, 17th and 4th September 1915 were received at ~~Army Headquarters~~ on the 5th October 1915

538 Appointments—Regimental—The Commander-in-Chief in India is pleased to make the following appointments—

1st Duke of York's Own Lancers (Skinner's)
Major H B Cheyne, Squadron Commander *1st Lt*
be temporary Second in-Command, vice Major D I Macaulay granted leave Dated 2nd July 1915

Major D I M Macaulay, Squadron Commander, *1st Lt*
be temporary Second in-Command, vice Major H B Cheyne, relieved Dated 7th July 1915

539 Leave—The undermentioned Officer is granted leave ~~10 days~~

Second Lieutenant R O Harvey, 4th Reserve Regiment of Cavalry, Special Service Officer, graded as General Staff Officer, 3rd grade, for two months and 15 days on medical certificate under Army Department letter No. H.1774, dated the 10th May 1915

540 Rewards—Meritorious Service—His Excellency the Commander-in-Chief is pleased to approve of the award

541 of the silver medal and of annuities for meritorious service as under —

11th Oct.
1915.

Rank	Name	Appointment	Award	From what date
Pensioned 1st Class Sergeant Instructor	Frederick Grimmer	1st Class Sergeant Instructor George and Mesero Pikes	Annuity increased from £5 to £10	5th July 1915 Pensioned Garrison Sergeant Major Leslie deceased
Acting Sergeant Major	George Loevell	Acting Sergeant Major, Oudh and Rohilkhand Railway Volunteer Pikes	Silver Medal with Annuity of £5	5th July 1915 to complete establishment

541 Furlough and Leave—The following extension as regards leave are introduced from October 15th, 1915 to February 15th, 1916—

British Officers—In addition to, or in combination with any leave granted under India Army Order No. 131 of 1915, district or temporary leave for a period of 15 days, within 15 hours' recall may be granted to all British Officers, at the discretion of General Officers Commanding Divisions, Divisional Areas and Independent Brigades and without reference to the limit per cent laid down in the above quoted India Army Order.

Indian Ranks—In addition to the leave sanctioned by India Army Order No. 178 of 1915, an additional per cent per unit may be allowed district or temporary leave up to a maximum of 15 days.

542 Officers—Equipment—The Government of India Army Department have sanctioned the free issue of a set of staff saddlery and line gear to every officer commissioned from the ranks and posted to a mounted unit in India. This applies

* Issued as a Special India Army Order dated 11th Oct. 1915.

to officers posted to British Cavalry, Field, Mountain and Heavy Artillery, and Sappers and Miners and Signal Companies

543
11th Oct.
1915.

543 Stationery Supplies—Erratum—In India Army Order No 320 of 1914, for the last sentence read "All others—from the Controller of Printing, Stationery and Stamps, Calcutta"

544 Works Company—The Government of India have decided that sub overseers and the Army Department letter No H 7568 dated 8th September 1915 Works Company or any similar engineer unit, in the Persian Gulf shall be allowed personal servants on the scale noted in the margin with effect from the date of their proceeding on field service

One servant for two subordinates

545 Organization—Signal Service—The following instructions are issued in amplification of India Army Order No 619 of 1914

A non commissioned officer or man of a British unit attached to a signal unit on field service will be considered for promotion in that unit

In the case of promotion to 2nd Corporal the rank will be temporary but promotions to other ranks will be permanent

A non commissioned officer on the instructional staff of the Signal Depot will be eligible for promotion up to rank of Sergeant within the sanctioned establishment of the instructional staff of the Signal Depot any such promotions being made by the Officer Commanding the Signal Depot

On rejoining his own unit either at the end of the War, or for any cause at an earlier date a non commissioned officer will carry with him the permanent rank held in the signal unit and will be absorbed into the first vacancy in that rank which occurs in his own unit

546

11th Oct.
1915.

546 Pay and Allowances—With reference to India Army Order No 122 of 1915, it is notified for information that the outfit allowance of Rs 600 mentioned therein is not admissible to military officers who revert, or have reverted, to military duty temporarily during the present war from the Survey of India and the Cantonment Magistrates' Departments, or to officers of the Royal Engineers and the Indian Medical Service.

2 Recovery of any allowances which may have been already paid to such officers under the provisions of the Government orders promulgated in India Army Order No 122 of 1915 will, however, be waived.

547 Pay and Allowances—Separation Allowance—It is notified that, with the approval of the Secretary of State for India, the Government of India have sanctioned, as a special case, the grant of separation allowance to the families of warrant officers of Indian Departments invalided from India during the war.

548 Regimental Records—It is notified for information that the Army Council consider it important to ensure that the Army Council consider it important to ensure that accurate contemporary information on the subjects referred to in War Office letter No 121 of 1915 dated 12th August 1915 King's Regulations, paragraph 1931 (iii), (iv), (v), (vi) and (x) shall be at the disposal of Commanding Officers at the end of the war in order that the historical records of units may be brought up to date.

The Council, therefore, have decided that the duplicate copies of war diaries kept in accordance with Field Service Regulations, Part II, Section 140, shall be forwarded to Officers in Charge Records for safe custody, as confidential documents and for preservation, to be returned at the end of war to the Officer Commanding the unit. It will thus be possible to dispense with the necessity of calling on units in the field for reports under paragraphs 1930 to 1932, King's Regulations and at the same time to attain the objects those paragraphs have in view.

As, however, Commanding Officers frequently desire to refer to recent entries in their diaries they may retain the duplicate copies for a period of three months before sending them to the Record Office.

549. with the
 Service information
 that the pamphlet in
 Urdu, sanction of
 Governr all concerned
 on the same scale as that authorised for the vernacular edition
 of Physical Training Copies will also be placed on sale
 with the Superintendent of Government Printing, India,
 Calcutta

549
 11th Oct.
 1915.

unnecessary.

The fact that they wear uniform meets all requirements.

. Officers and
 meet that mer
 il Force, who
 desire to be recorded as belonging to religious denominations
 other than the Church of England and the Roman Catholic
 Church, have experienced difficulty in obtaining accurate
 registration of this kind

2 The attention of all Commanding Officers is accordingly
 invited to the provisions of paragraph 919, King's Regula-
 tions. Whenever on attestation, for the marking of iden-
 tity discs, or for any other purpose it is necessary to obtain
 information as to a soldier's religion, his own statement on
 the point should be taken without any attempt to influence
 him, and should be acted upon without question

3. In any cases in which men express a desire for the cor-
 rection of an existing inaccurate record regarding their reli-
 gious denomination, such correction should be carried out.

4 Applications for change
 should, however, be supported
 Minister concerned.

552 11th Oct. 1915. ; 552 Bands and Messes — The following are the rates of Band and Mess Subscription to be paid by officers of the Indian Army, who are prisoners of war with the enemy, or reported as missing —

(a) For the first sixty-one days, the full rate of subscription payable under paragraphs 589 and 598, Army Regulations India, Volume II

(b) Thereafter, when drawing either Indian Army leave pay, or fuel and light subscription as would allowances, Regulations, India, Volume II

553 Interior Economy—Indian Army—"Regimental Accounts, Indian Infantry, 1901," is amended as follows —

Paragraph 7 (c) is reconstructed as follows —

"To furnish officers in charge of funds on the 1st of each month with a memo of any sums to be paid in by officers on account of advances, etc"

Paragraph 10 For the words "by the Adjutant through his cash account" in line 4, substitute "by the officer in charge of the fund concerned on the authority of a regimental order,"

Delete the words "by the Adjutant" in line 5, and after the word 'instructions' in the last line, add "[see paragraph 7, clause (c)]"

Paragraphs 22 to 26 are cancelled

Paragraph 27 Substitute "Double Compand Commander" for the words "Commanding Officer" in line 1

Paragraph 28 is cancelled

Paragraph 35 is reconstructed as follows —

This will be kept in Indian Army Form A 125 by the Adjutant. On the receipts side all cash or cheques received will be shown, and on the payments side every payment made by the Adjutant Mess and other bills and subscriptions will not be recovered through the medium of the Adjutant

As officers receive their pay direct from the Divisional Disbursing Officer all sums due by them should be paid in direct to the Presidents or Officers in charge of funds by a date to be fixed every month by the Officer Commanding the regiment.

554

11th Oct.
1916.

Paragraphs 36 and 37 are cancelled

Paragraph 39, page 6 — Substitute "pay bill" for 'muster roll' in the last line

Paragraphs 61 and 66 are cancelled

Form 'G' is cancelled

554 Forms — The following forms have been introduced —

India Army Form A 670 Monthly comparative statement Pay Section Supply Circle

India Army Form A 670(a) Monthly comparative statement Dairy Farms Sub section Supply Circle

India Army Form A 670(b) Monthly comparative statement Clothing Section, Supply Circle

India Army Form A 670(c) Monthly comparative statement Remount Section Supply Circle

India Army Form A 670(d) Monthly comparative statement Medical Section Supply Circle

India Army Form A 670(e) Monthly comparative statement Arsenal Section, Supply Circle

India Army Form A 670(f) Monthly comparative statement, Ordnance Factory Section Supply Circle

India Army Form A 670(g) Monthly comparative statement, Railway Section

India Army Form M-12 Confidential Reports

The last named is for of Service only, and will January 1917

in consequence of medical unfitness caused by the wound or injury, may be made at the rate appropriate to the temporary instead of the permanent rank.

IT IS OUR FURTHER WILL AND PLEASURE that these provisions shall be extended to the case of officers granted temporary promotion retrospectively with dates anterior to that of this Our Warrant

Given at Our Court at St James's, this 2nd day of
July 1915, in the 6th year of Our Reign

By His Majesty's Command,

KITCHENER

T J AYLMER, *Major-General,*
Adjutant-General in India.

CORRIGENDUM.

TO

Special India Army Order, dated 11th October 1915.

Army Headquarters' Camp Offices—*Delete*
the instructions contained under "General" and *substitute*
the following :—

General Staff Branch—All communications on the above
subject and urgent communications on any matter will be
received in Simla up to the evening of the 31st October 1915.
Ordinary correspondence on other subjects will be received
in Simla up to the afternoon of the 28th October 1915.

Adjutant-General's Branch.	} Telegrams and urgent ref- erences on the subjects de- tailed above will be received in Simla up to 1st November 1915
Quartermaster-general's Branch.	

Medical Branch.—Telegrams and urgent references on the
subjects detailed above will be received in Simla up to 12 noon
on 1st November 1915.

F. J. AYLMER, Major-General,

Adjutant-General in India.

558

18th Oct.
1915.

114th Mahrattas—Major W. A. Light, Double Company Commander, to be temporary Commandant and Major H C Steen, Double Company Commander, to be temporary Second-in Command, *vice* Lieutenant Colonel A W Andrew appointed to the temporary command of the Jhelum Brigade Dated 20th February 1915

Lieutenant-Colonel A P How, Second-in Command, to be temporary Commandant and Major W A Light, Double Company Commander, to be temporary Second-in-Command, *vice* Lieutenant-Colonel A W Andrew, appointed to the temporary command of the Jhelum Brigade Dated 29th February 1915

Lieutenant-Colonel A P How, Second-in Command, to be temporary Commandant and Major W A Light, Double Company Commander, to be temporary Second-in-Command, *vice* Lieutenant-Colonel A W Andrew, appointed to the temporary command of the Jhelum Brigade Dated 18th May 1915

123rd Outram's Rifles—Major R W C Blair, Double Company Commander, to be Second in Command, *vice* Lieutenant-Colonel E E Bousfield, deceased. Dated 26th September 1915

558 Clothing—British Army—The Government of India have decided that the spine pads issued to territorial troops in India shall be classified as articles of public clothing.

2 The pads will be condemned by, and replaced under the orders of, officers commanding units, and when the units leave India, except for field service, the articles will be returned to the Superintendent, Army Clothing Factory. When the pads thus returned to store are no longer required for re-issue they will be disposed of to the best advantage.

559 Pay and Allowances—It is notified that the Government of India have decided that an officer of Royal Engineers holding an appointment below that of Colonel on the Staff, whether drawn from the Military

Army Department letter
No H 8061, dat 1 27th
September 1915

18th Oct.
1915.

Works Services, Sappers and Miner Public Works Department, or any other Civil Department shall receive, while employed on the normal duties of his corps on field service, under Army Regulations, India, Volume I, paragraph 145, clause (ii), the emoluments which the Director-General of Military Works certifies that an officer of his rank and length of service might be expected to draw in the Military Works Services in peace time

560 Pay and Allowances—With reference to India

Army Department letter
No H 8 35 dated the
30th September 1915

Army Order No 392 of 1915, it is notified that the Government of India have decided that —

- (1) The grant of the special allowances should be regulated under the general rules governing the issue of pay proper ,
- (2) The allowance is inadmissible to officers extra-regimentally employed and in receipt of staff pay, except in the case of subaltern officers employed as Station Staff Officers, 3rd Class ,
- (3) The allowance is admissible to boys of Territorial units ,
- (4) Territorial non commissioned officers and men extra regimentally employed within the meaning of the note to paragraph 521, Army Regulations, India, Volume I are not entitled to draw the special allowance

561 Followers—The Government of India are pleased

Army Department letter
No 7060 dated 22nd Sep
tember 1915

to sanction the grant of leave to their homes for fifteen days or for a lesser period, before starting from the stations, with free passages both ways, to all public followers under orders for active service beyond the sea (with the exception of those specially entertained with view to their ultimate employment on active service, under Army Department letter No H-5067, dated 22nd May 1915)

2. The expenditure is debitable to His Majesty's Government and should be passed to the Central War Controller for adjustment with reference to the instructions

563

18th Oct.
1915.

in Finance Department (Military) letter No 430 Accounts, dated the 3rd May 1915, and any subsidiary instructions that may be issued on the subject

562 Promotions—Field Service—In continuation of India Army Order 225 of 1915, it has been decided with the approval of the Government of India that vacancies among warrant officers, Class II, of Cavalry, Artillery and Infantry, will be filled by promotion to substantive rank when the vacancy is due to the warrant officer, Class II, having—

- (a) Died
- (b) Been discharged from the service
- (c) Been made a prisoner of war, and reported officially as such
- (d) Been declared missing, and reported officially as such
- (e) Been sent home, or to India, wounded or sick
- (f) Been sent home, or to India, as inefficient in the field

2 Vacancies among Warrant Officers Class I of Cavalry, Artillery and Infantry will be filled by promotion to substantive rank and may be followed by promotion to substantive rank or three months from the occurrence of the vacancy, the necessary application to the Record Office concerned for the posting of a warrant officer being made in sufficient time to admit of this

563 Army Orders—Attention is directed to Army Order No 804, dated 1st August 1915, 'Corps of Army Schoolmasters'

564 Equipment—Artillery—It is notified for information that the practice of removing the numnah panels from

may again at the end have this situation

panels too narrow and they therefore have to be continued before they are worn out by far wear and tear. Officers Commanding Batteries and Ammunition Columns should issue special instructions to all concerned that this practice must cease, otherwise units will become liable for the damage caused.

225
1915 Oct.
1915

565 Arms—Infantry Units Territorial Force— Paragraph 3 of India Army Order 187 of 1915 reads as follows—

A suitable soldier, possessing at least some mechanical knowledge could be carefully selected from each Infantry unit for a short course in the care and repair of arms and machine guns. He should be sent to the Divisional Arsenal to undergo the course, in compliance with the Assistant Director of Ordnance Stores. On his return a second man should be selected and sent for a short course.

Men already trained under the above India Army Order should be again sent to the Divisional Arsenal to undergo a course of instruction in the care and repair of machine guns.

Should a trained man at any time become supernumerary, a further selection will be made and the man sent to undergo the complete course.

566 Organization—With reference to paragraph 5 of India Army Order No 20 and paragraph 10 of India Army Order No 351 of 1915, it is notified that it has been decided that the term "Double Company" shall no longer be used to denote a company of British Regular or Territorial Infantry under the four company organization. The instructions issued in the above orders in regard to the use of the term 'Double Companies' are accordingly cancelled.

567 Organization—Indian Army—It is notified for information that the Government of India have decided that any Lieutenant or Indian Officer and non commissioned No. 1 and 2nd Lieutenants who become supernumerary during the war will, after they join the units or depots for duty, be absorbed into the first vacancy that occurs in the class to which they belong. Until so absorbed they will remain supernumerary to their rank.

568

18th Oct
1915

568 Organization—Indian Army—The following amendments are made to clause (1) of Indian Army Order 561, dated 12th October 1914, as amended by Indian Army Order 100, dated 8th March 1915, relative to promotions of Indian ranks in units on field service —

- (1) For "These promotions will be permanent" read "These promotions may be permanent"
- (2) For "Temporary promotions in these three cases will be made in the case of officers" read "Temporary promotions may be made in the case of officers"
- (3) For "Temporary promotions cannot be made in the case of Indian Officers, but vacancies due to clauses (c), (d) and (e) will be filled by permanent promotions after the lapse of one month," read "Temporary promotions cannot be made in the case of Indian Officers, but vacancies due to clauses (c), (d) and (e) may be filled by permanent promotions after the lapse of one month"

569 Foreign Languages—An amendment is made to the Indian Army Order No 537 of 1914 —
of Foreign Languages for issued with

For line 3 of the footnote to paragraph 15, substitute "eligible for any grant admissible for qualifying under those regulations"

570 Field Conduct Sheet—British Troops—With reference to Indian Army Order No 200 of 1914, paragraph 1, it is notified for the information of all concerned that a fresh supply of Army Form B 122 is now available, indicated in future to the Superintendent, India, Calcutta and not to

571. Forms—Attention is directed to the Instructions on page 148, India Army Form Z, 2001, regarding indents for Army and India Army Forms

571
18th Oct.
1915.

Where scales are laid down, they should be adhered to and no indents should be submitted in excess of probable requirements

572 Forms—The following forms have been introduced —

Army Form B-2503 Shortened form of attestation for the duration of the war

Army Form B-2504A Notice paper, short service, for the duration of the war

The following book and forms have been revised —

Army Book 142 Musketry small book

On page 4, for 'Those who obtain 130 points and upward' read 'Those who obtain 130 points and upward'

(This is a correction of a Press error only)

India Army Form S-1672 Monthly roll and forage certificate

On page 3 Table B, after the last item add —

Barceem	.	equivalent in standard			
		ration at 35 20			

India Army Form X-1856 Instructions for local board of examination and candidates, Hindustani

Paragraph 13 (s) After 'India Army Form X-1854' in line 1, insert ' (in duplicate) '

Paragraph 15 (iii) After the second sentence, insert 'On receipt of the results, the Brigade Commander will forward the duplicate copy of India Army Form X-1854 to the Central Board for record'

The above corrections are to be made in manuscript

The following forms are cancelled —

Army Form B 2035 Attestation paper, short service of 3 years with the colours

572

18th Oct.
1915.

Army Form B-2065-A. Notice paper, short service of 3 years with the colours

The following corrections are made to India Army Form Z-2001.—

Pages 6 and 7—Against Army Form B-122, as inserted by India Army Order No 261 of 1914, in the Remarks column for "Adjutant-General in India" read "Superintendent, Government Printing, India, Calcutta".

Pages 10 and 11 insert—

Army Form B-2505 ..	G.	Shortened form of attestation (For the duration of the war)
Army Form B-2505-A	G.	Notice paper, short service (For the duration of the war)

In the Remarks column insert "Issued as required."

Delete Army Form B-2065 and Army Form 2065 A, and all connected entries

Page 17—Insert the following—

"16 The following scales of forms are authorised for Improved Signal Units—

Unit	AFC 398	AFC 2121		A B 119 Refills	I A F A 1871
		Covers	Refills		
Divisional Signal Company	1 500	26	500	300	200
Brigade Signal Section	400	13	120	75	75
Cavalry Brigade Signal Troop	300	9	80	30	50

F. J. AYLMLR, Major-General,

Adjutant General in India

INDIA ARMY ORDERS

1/11/15

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.

Army Headquarters, Simla, the 25th October 1915.

573 The London Gazettes of the 22nd, 23rd, 24th, 25th, 27th and 28th September 1915 were received at Army Headquarters on the 19th October 1915

573
25th Oct.
1915.

574. Appointments—The Commander-in-Chief in India is pleased to make the following appointment —

To be Smallpox and Indian Army Reserve
the Inspector of Royal
1915-16 Dated 5th
October 1915.

575 Appointments—The following officers of the Indian Army Reserve of Officers have been attached to the Supply and Transport Corps —

To be Supply and Transport Officers, 6th Class

2nd Lieutenant W K BRITHFRTON	Dated 28th July 1915.
" " H. D PETERS	" 30th July 1915.
" " G R ASHTON	" 31st July 1915
Lieutenant M J J CORLETT	" 4th August 1915
2nd Lieutenant M ZOBEL	" 5th August 1915.
" " C A TICE	" 9th August 1915
" " F T CHEVALLIER	" 1st August 1915
" " G JAMIESON	" 16th August 1915
" " V P. WAINWRIGHT	" 17th "

576

25th Oct. 1915.	2nd Lieutenant O A TRAVERS	..	Dated 2nd August 1915
	" " H K HEAD	..	" 21st August 1915.
	Lieutenant A HORNBY	..	" 28th August 1915
	2nd Lieutenant C HOWLAND	..	" 28th August 1915
	" " O A HARMAN	..	" 30th August 1915
	" " V D COLE	..	" 1st September 1915
	" " N M GEORGE	..	" 3rd September 1915
	" " T A INGLIS	..	" 15th September 1915
	" " A GRAYSON	..	" 16th September 1915
	" " J S THOMPSON	..	" 22nd September 1915
	" " L F L DAY	..	" 23rd September 1915
	" " H F MASTERS	..	" 25th September 1915
	" " G G BREWIN	..	" 1st October 1915
	" " J R THOMAS	..	" 4th October 1915.

576 Appointments—Regimental—The Commander-in-Chief in India is pleased to make the following appointments—

12th Cavalry—Major S M. Tahourdin, Squadron Commander, *pro tem*, is confirmed in that appointment, *vice* Major W H Pennington, killed in action Dated 10th September 1915.

25th Cavalry (Frontier Force)—Captain H Denig, Squadron Commander *pro tem*, is confirmed in that appointment, *vice* Major R M Hall, deceased; and to remain in his present appointment as Officiating Inspector, Officer, Imperial Service Cavalry.

99th Deccan Infantry.—Major H J. Cotton, Double Company Commander, *pro tem*, is confirmed in that appointment, *vice* Major I D. Davidson, appointed Second-in-Command.

106th Hazara Pioneers—Major C. L. Peart, Double Company Commander, *pro tem*, is confirmed in that appointment, to fill an existing vacancy, and to remain in his present appointment as Instructor in Urdu, Cadet College, Quetta.

25th Oct.
1915.

116th Mahrattas—Captain A. P. Harrison, Double Company Commander, *pro tem*, is confirmed in that appointment, to fill an existing vacancy.

121st Pioneers—Captain F. E. W. Baldwin, Double Com, any Commander, *pro tem*, is confirmed in that appointment *vice* Major L. N. Heale, appointed Second-in-Command, and to remain in his present appointment as temporary Deputy Assistant Adjutant and Quartermaster-General, Presidency Brigade.

577 Furlough and Leave—Warrant Officers—The undermentioned Warrant Officer is granted combined leave out of India on medical certificate under the rules of 1859 —

Sub-Conductor W. Weston, India Miscellaneous List, Quartermaster-General's Branch, Army Headquarters, for eight months (the first 90 days on privilege leave)

578 Rewards—Volunteer Long Service Medal—In the annexure to India Army Order 163, dated 30th August 1915, under "Bangoon Volunteer Rifle", for "No 5963 Rifleman L. E. P. Athias", *read* "No 5963 Rifleman L. M. Lyaro"

579 Pay and Allowances—Advances—It is notified for information that the Government of India have decided that when a British unit proceeds out of India in the ordinary course of relief to the United Kingdom, or to a colony or foreign station abroad, an advance of pay may be made in sterling to all ranks. The amount of advance to each individual should not exceed the sum due to him for the period of the voyage.

580 Pay and Allowances.—It is notified that the Government of India have decided that the pay and allowances of the British units in India at the time of their departure and were re-imbursed on their Home establishment have been paid.

581
5th Oct.
1915.

in accordance with paragraph 250, Army Regulations, India Volume I, and have received staff pay up to the date of relief, shall be granted the staff pay of their new appointments from the date of departure from India, and shall continue to draw Indian staff pay due to them up to the day prior to that of leaving India. No change will, however, be made in officiating allowance admitted to the officers who officiated for the departing officers.

2. This decision will apply to any similar cases arising during the continuance of the present war.

581. Pay and Allowances—Separation Allowance—
With reference to the last meeting of India
Army Order No. 205 of
Army Department No
H. 8253, dated 7th October 1915
certificates referred to therein should
continue to be obtained for each
quarter subsequent to the first issue, in support of claims for
separation allowance under the provisions of that paragraph

582. Clothing—Territorial Troops—With reference to India Army Order No 615 of 1914, it is notified for information that the periods of wear of articles of personal clothing laid down in statement "A" published as an annexure to that order, refer to one garment only, and that the date on which renewals fall due should be calculated from the date the garments are actually issued to the men.

583 Military Expenditure—The following letter from
Army Department No the Secretary to the Government of
H. 8304, dated 4th October 1915 India, Army Department, is published
for general information—

I am directed to inform you that His Majesty's Government have on the Nation
forces in order to
of the war, the
means required to carry it to a successful conclusion shall be
always forthcoming.

This warning is especially applicable to India in cases where the expenditure on any measure or operation is debitable to the Imperial Government. The necessity for economy in matters connected with army expenditure debitable to Indian revenues has already been pointed out in Army Department letter No H-968, dated the 19th September 1914, to which attention is again invited, in order that the Imperial aspect may not be overlooked.

2 In time of peace the interests of economy, while entrusted in various degrees to administrative and other officers, are also safeguarded by various checks and limitations. During war, however, not only are these limitations to a certain extent removed, but the total expenditure is on a vastly larger scale. The possibilities of economy open to officers are consequently increased, and the elimination of ————— of particular

3 The Government of India therefore desire to impress upon General Officers Commanding Divisions and Independent Brigades and all heads of departments the need for the

administration, is to be avoided and the Government of India confidently rely on all General and other officers to co-operate with them to this end

584 **Engineers—Warrant and Non-Commissioned Officers**—The Government of India Army Department No H 5210 dated 4th October 1915 have approved of the following rules for the promotion of Royal Engineer non-commissioned officers serving in Sapper and Miner units (other than Defence Light Sections) on field service to the rank of Company Serjeant-Major, Royal Engineers, and Company Serjeant-Major of Sappers and Miners, as a temporary measure during the war —

Permanent promotions will be made in the following circumstances —

(a) On definite information of a death vacancy.

585

25th Oct.
1915.

- (b) On definite information of a man being made a prisoner of war.
- (c) After the lapse of one month, should a vacancy still exist, in place of a missing man.

2. Should a vacancy in the rank of a Company Serjeant-Major occur on service, it should be filled by the promotion of a non-commissioned officer on the roster maintained at the headquarters of the Sapper and Miner Corps concerned, and such promotion, under these rules, will not involve a change of station, unless on account of trade or other special qualifications.

3. It is not intended that these orders should in any way affect the power of the General Officer Commanding a force in the field to promote a Royal Engineer non-commissioned officer for distinction. Each promotion of a Royal Engineer company of Sappers and Miners, and shall be irrespective of any time-scale of promotion. A non-commissioned officer promoted in these circumstances to the rank of Company Serjeant-Major in the Sappers and Miners, will be borne supernumerary in his rank until absorbed.

585 Transport—Veterinary.—The Government of India have decided that Transport Army Department letter No. 23455 Z (Q M G. 7), dated 17th September 1915. Veterinary Assistants of the Supply and Transport Corps, who are at present eligible for pension under the Civil Service Regulations, shall in future be pensionable under military rules and shall be allowed retiring, invalid and superannuation pensions, and gratuities, on the scale laid down for sub-assistant surgeons of the Indian Subordinate Medical Department in paragraph 1014 (a) (ii), Army Regulations, India, Volume I.

2. The above decision will not apply to present incumbents, who will remain pensionable under the Civil Service Regulations.

586 Army Orders—Attention is directed to the following Army Orders, dated 13th August 1915 —

586

25th Oct.
1915.

No IV, Territorial Force Regulations—Amendments,

No. V, Indemnification for Loss of Kit.

587 Reserves—Indian Army—It is notified for the information of all concerned that the Government of India have decided that Indian Army reservists employed in

Army Department letter Government Departments, and who No H 8132 dated 30th on recall to the colours have been September 1915

found medically fit and retained for military duty, shall be allowed to take any privilege leave due to them under civil rules, and draw full civil pay in addition to military pay and allowances, for one month after their recall to the colours and half civil pay during the privilege leave admissible in excess of one month irrespective of whether a substitute is engaged or not

2 The Government of India have also decided that such reservists shall be considered to be seconded during the period they are retained with the colours in order that they may retain a lien on their appointments in Government Departments

588 Passages—Railway—Several instances have occurred in which Indian soldiers, when proceeding on the Special War Furlough sanctioned in India Army Order No. 131 dated 29th March 1915, have been furnished with railway warrants (India Army Form T-170) The correct procedure is that laid down in paragraph 2 (c), Army Regulations, India Volume V, viz., that both the tickets for the outward journey which must be paid for in cash, and the coupons for the return journey, should be obtained on requisition on India Army Form T-1720

This will be followed by all despatching officers in future

589 Books—Publications—"The Classified List of the Military Works Services and Public Works Department military subordinates, and Distribution Return of the

590 establishment of the Military Works Services" for the half
 25th Oct. year ending 30th June 1915, may be obtained from the
 1915. Superintendent, Government Printing, India,* Calcutta, on
 payment of four annas a copy.

The issue of copies, gratis, will be made to departments
 etc., by the Director-General of Military Works, Simla

590 Erratum—In Special India Army Order, dated
 11th October 1915, under "Medical Branch," line 10,
delete the word "statistics"

*591 Pensions—Officers—It is notified ~~in~~ information
 that the Government of India have
 Army Department letter decided that the provisions of Army
 No B 8176 dated the 2nd Order No IIIf, dated the 17th
 October 1915 July 1915, shall be applied in their
 † Re published below *entirety* to British Officers of the
 Indian Army, continuous service Royal Artillery and Royal
 Engineer officers and to all British officers serving in India

ARMY ORDERS

WAR OFFICE

12th July 1915

III—ROYAL WARRANT

Temporary rank of officers counting for Widow's Pensions, etc

GEORGE, R. I

£30

22 WHEREAS We deem it expedient that temporary rank con-
 Widows ferred upon an officer shall count during the present war for
 639 widow's pensions and certain other non-effective emoluments
 in the same manner as if it were permanent rank,

OUR WILL AND PLEASURE is that if during the present
 war, an officer dies or is wounded or injured, while holding
 temporary rank, any resulting grant of pension and gratuity

* Issued as a Special India Army Order dated 14th October 1915.

25th Oct.
1915.

to his widow and children or other dependants, of wound pension and gratuity, and of half-pay or retired pay awarded in consequence of medical unfitness caused by the wound or injury, may be made at the rate appropriate to the temporary instead of the permanent rank.

IT IS OUR FURTHER WILL AND PLEASURE that these provisions shall be extended to the case of officers granted temporary promotion retrospectively with dates anterior to that of this Our Warrant.

Given at Our Court at St James's, this 2nd day of July 1915, in the 6th year of Our Reign.

By His Majesty's Command,

KITCHENER

*592 **Army Headquarters' Camp Offices.**—The Camp Offices of the Branches of Army Headquarters detailed below will open at Delhi on Tuesday, the 2nd November 1915, and correspondence on the following subjects will be addressed to Delhi during the ensuing cold season.—

GENERAL STAFF BRANCH

All communications, except those for the Translation Officer, relating to war, internal security, disturbances, raids, and connected subjects

ADJUTANT GENERAL'S BRANCH

All questions relating to the Territorial Force.

Cadet Colleges

Ceremonial

Pay and Allowances, I. A.

Ecclesiastical I. A.

Followers

Interior Economy, I. A.

Indian Cavalry

* Issued as a Special India Army Order dated 11th October 1915, and subsequently amended by a corrigendum

25th Oct.
1915.

Discipline, I. A.

Discharges, I. A.

Judicial, I. A.

Rewards, I. A.

Including telegraphic reports of
desertions, and monthly return
of desertions.

All applications for summary dis-
missal or discharge of Indian
Officers.

Including recommendations for:—

(i) V. C., I. O. M., I. D. S.
M., Military Cross.

(ii) O. B. I.

(iii) Courtesy Titles.

(iv) Grants of land.

(v) G. C. and M. S. Medals.

Organisation, I. A.

Recruiting, I. A.

Reserves, I. A.

Drafts and reinforcements for Units in the field, British,
Volunteers, Indian

Reserves, B. A.

Recruiting, B. A.

Drafts from Home.

All questions pertaining to the mobilisation of combatant
units, British and Indian

Supply of combatant supervising personnel, etc.

Progress reports on the mobilisation of units.

Allotment of units.

Raising of Volunteer Detachments for special service.

Artillery.

Mobilisation.

Reserves.

R. A. Messes and Institutions

All references in regard to questions relating to Casual-
ties and about wounded and sick men in Expedi-
tionary Forces will be made to Simla.

25th Oct.
1915.

Movements All war questions including all movements except normal relief, Railway Transport and Railway Transport Establishments; Embarkation and Embarkation Establishments, Movements and Quarters Establishments, Postal Services

Supply and Transport Establishments Accounts and Budget.

See Budget estimates, Grant 1 (excluding Farms) and all correspondence connected therewith, *etc.*, Accounts, Ledger, Ordinary, Reappropriation, Schedule, Special Services, *etc.*

Officers British, and British ranks, Indian Establishments, superior and inferior, except Indian Officers, non-commissioned officers and men of Transport.

All appointments in connection with "War—1914"

Army List, General, Medals; Memorials and Petitions, Organisation; Training Establishments, Rawalpindi, and courses of instruction

Supplies

purchase and other means, maintenance of mobilisation, fort and other reserves of these articles

Transport gear of Supply and Transport supply, including acquisition and maintenance of reserves kept in supply charge.

Acquisition and despatch of articles of Supply and Transport Corps supply required in the field.

Compensation for dearth of food and of forage; administration of Grant 13

592
 10th Oct.
 1915.

Transport All questions directly incidental to the War, *i.e.*, Mobilisation of Transport, reinforcements, etc., but excluding Mechanical Transport, questions relating to purchase and distribution of transport animals, Budget questions relating to transport animals.

Clothing All questions of manufacture and despatch of clothing in connection with "War—1914," Budget Estimates, Grant 6 and Home (Clothing) Estimates and all correspondence connected therewith.

All urgent correspondence regarding clothing, dress and necessities British and Indian Army; ordinary correspondence on these subjects should continue to be addressed to Simla.

Remounts All remount (Horse and Mule) questions connected with "War—1914" and Accounts and Budget of the Army Remount Department.

MEDICAL BRANCH

Ambulance Transport

Army Bearer Corps

Movements of Indian Medical Service Officers.

Questions relating to Pay and Allowances, and movements, of Sub Assistant Surgeons

Medical Mobilisation and Intelligence

Medical Organisation and Equipment for War

Permanent Cadre appointments, I.M.S.

X—Ray

War (all questions except the conveyance and disposal of sick and wounded in India and sanitary appliances)

War Gifts of all descriptions

Red Cross Gifts

St John Ambulance Motor Ambulance

GENERAL

592

25th Oct,
1915.

General Staff Branch—All communications on the above matter will be received in Simla up to the afternoon of the 28th October 1915.

Adjutant-General's Branch. } Telegrams and urgent references on the subjects detailed above will be received in Simla up to 1st November 1915.

Quartermaster-general's Branch. }

Medical Branch.—Telegrams and urgent references on the subjects detailed above will be received in Simla up to 12 noon on 1st November 1915.

F. J. AYLMER, *Major-General,*

Adjutant-General in India.

INDIA ARMY ORDER

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.

Army Headquarters, Simla, the 1st November 1915

593 The London Gazettes of the 29th September and the 1st, 2nd and 4th October 1915 were received at Army Headquarters on the 25th October 1915. 593
1st Nov.
1915.

594 Appointments—The Commander-in-Chief in India is pleased to make the following appointments—

Major B G Patch, R A M C, to be Specialist in Otology and Rhinology, 5th (Mhow), 6th (Poona) and 9th (Secunderabad) Divisions, with effect from the 1st July 1915

Lieutenant Colonel H M M Brooke, Indian Army, to be Supply and Transport Officer, 1st Class, with effect from the 20th October 1915

Major A W D Harington, Indian Army, to be Supply and Transport Officer, 2nd Class, with effect from the 19th October 1915

Captains C M T Western, R C Clarke, R C Beck and W. F Bird, Indian Army, to be Supply and Transport Officers, 1th Class, with effect from the 22nd October 1915

595 Appointments—The Commander-in-Chief in India is pleased to make the following temporary appointment—

Lieutenant C L Foreman, Indian Army Reserve of Officers, to be Supply and Transport Officer, 5th Class, with effect from the 9th October 1915

596 Appointments—Regimental.—The Commander-in-Chief in India is pleased to make the following appointments—

21st Prince Albert Victor's Own Cavalry (Frontier Force) (Duty's Horse) Major A B Souter, Squadron Commander, to be temporary Second in Command, *vice* Major P. A Jackson, relieved. Dated 2nd October 1915

597 5th Lieut. ... Double Company
1st Nov. 1915. Commat to fill an existing
vacancy.

597. ...
appointm
cond in-
from the
Order No 476 of 1915

598 Leave—The leave granted to Lieutenant-Colonel
R. Cassels, 35th Sikhs in India Army Order No. 477 cur-
is extended by 11 days

599 Queen Alexandra's Military Nursing Services of
India—Resignation.—Nursing Sister Miss Helen Edi
Augusta Tottenhām was permit
Army Department letter No 9276 2 (D.M. S 2) to resign the service, with effect from
dated 17th September 1915 the 18th September 1915

600 Pay and Allowances—In continuation of Ind
Army Department letter Army Order No. 90 of 1915, the
No 11 S 403, dated 10th Government of India have notified
February 1915
the le
ployed
for te
intenc
compensatory character, but
of a remunerative nature, s
Rs. 20 per mensem drawn.

601 Passages—All individuals granted not entitled
passages by transports to Marseilles will deposit with the
Embarkation Commandant the following sums for their rail
fares for the journey across France before embarkation.—

1st class passengers ...	£5-0-0
2nd and 3rd class passengers ...	£1-10-0

The money will be handed over to the Officer Commanding troops on board and, on arrival at Marseilles, given to the Disembarkation Staff Officer, who will purchase their rail tickets for the onward journey and hand over to passengers any balance for their expenses *en route*

1st Nov.
1915

602 Passages—Regulations—Officers of the Indian Army Reserve, who resign their commissions in circumstances beyond their control, will be granted free passage to their intended place of residence in India

Army Department letter
No H-8377, dated 11th
October 1915

603 Exchange on the Mexican Dollar—Intimation has been received from the Treasury Chest Officer Hong Kong, that the official rate for the month of October is 10 pence half-penny at Hong Kong

-604—Forms—It is notified for information that the annual issue of A. F. C-2121 to units, etc., will be on the following revised scale

Unit	Covers	Refills of 100 forms
British Cavalry	10	80
British Infantry	12	93
Royal Horse and Royal Field Artillery, Mountain and Heavy Batteries	3	20
Royal Horse Artillery Ammunition Column	1	8
Royal Field Artillery	2	16
Royal Garrison Artillery Companies	2	16
Indian Cavalry	13	110
Guides Cavalry	13	110
Indian Mountain Batteries	3	27

605

1st Nov.
1915.

Unit.	Covers.	Refills of 100 forms.
Indian Infantry	13	110
Aden Troop	3	22
Fort Armament Offices	2	13
Detached Wing British Infantry	1	9
Nepal Escort	1	6
Depôts	1	9
Divisional Signal Company	166	1500
Royal Field Artillery Brigades (in Field Army)	3	9

The necessary correction to India Army Form Z-2001 will issue in due course

605. Reserves—Indian Army.—It is notified for the information of all concerned that the Government of India are pleased to sanction, in substitution of the temporary promotions authorized for Royal Artillery units by paragraph 1030, Army Regulations, India, Volume II, for the training of their reservists, and in order to provide an adequate staff for the training of the extra establishment in British and Indian Mountain Batteries, Heavy Batteries, Royal Garrison Artillery, and Ammunition Columns, Royal Field Artillery remaining in India, extra temporary promotions on the scale of 1 Havildar and 1 Naick for each complete 20 men actually with the unit (including recruits and embodied reservists) in excess of the ordinary peace establishment of the units noted above.

2. These extra promotions, though temporary, will carry full pay of rank.

606. Army Orders—The following is republished for information:—

606

1st Nov.
1915.

Army Order No XIII, dated the 25th August 1915.—Officers from Reserve Battalions of New Armies as Reinforcements—Officers detailed from Reserve battalions of the New Armies as reinforcements for Regular or Territorial battalions, or for units of Overseas Contingents, will be gazetted to Regular units of their regiments as holding temporary commissions, and their names will be shown in the Monthly Army List in these units, according to the precedence conferred by their temporary commissions.

They will, if recommended, be eligible for promotion *pari passu* with officers of Regular battalions.

607. Army Orders—Attention is directed to Army Order No XV, dated the 25th August 1915—~~Permanent~~ Commissions in the Regular Army (Cavalry, Royal Artillery, Infantry and Army Service Corps)

F J AYLMER, *Major-General,*
Adjutant-General in Charge

INDIA ARMY ORDER

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.

Army Headquarters, Simla, 8th November 1915.

608 The London Gazettes of the 6th, 7th, 8th, 9th, 11th and 12th October 1915 were received at Army Headquarters on 2nd November 1915

608
8th Nov,
1915,

609 Appointments—The Commander-in Chief in India is pleased to make the following appointments —

Major A B Wakelin, Army Service Corps, (attached to the Supply and Transport Corps), to be Supply and Transport Officer, 4th Class, with effect from the 4th October 1915

Captain A. A McNeight, I M S, to be Deputy Assistant Director of Medical Services, (Mobilization) 9th (Secunderabad) Division, with effect from the 14th October 1915, *vice* Lieutenant-Colonel C N C Wimberley, I.M.S., vacated.

Lieutenant W. M Marshall, 37th Dogras, to be official interpreter in Persian, under the terms of paragraph 4 of the Regulations relating to the Study of Foreign Languages for Officers of the Indian Army, published with India Army Order No. 557 of 1914, as amended by India Army Order No. 57 of 1915, with effect from the 16th October, 1915, *vice* Major V. G Menzies, 97th Deccan Infantry, vacated.

610 Appointments—Regimental—The Commander-in-Chief in India is pleased to make the following appointments —

1st Brahmans—Lieutenant Colonel W. B. Douglas, Second-in-Command, 3rd Brahmans, to be Commandant, *vice* Lieutenant-Colonel N. A. If Budd, vacated. Dated 7th October 1915.

611 8th Nov. 1915. *98th Infantry.*—Lieutenant-Colonel D. R. Adye, Second-in-Command, 87th Punjabis, to be Commandant, *vice* Lieutenant-Colonel C. C. Renton, deceased. Dated 3rd October 1915.

1st Battalion, 10th Gurkha Rifles—Major F. E. Coningham, Second-in-Command, to be temporary Commandant and Major E. S. Gale, Double Company Commander, to be temporary Second-in-Command, *vice* Lieutenant-Colonel H. W. R. Senior, appointed temporary General Staff Officer, 1st Grade, 8th (Lucknow) Division. Dated 1st October 1915.

611 Rewards—The Government of India have been pleased to sanction the grant of a special money reward of Rs 100, with a parchment certificate or sanad, to each of the following, in recognition of their good work in connection with recruitment for the Indian Army during the present war —

- Army Department letter No H 8-437, dated 14th October 1915
1. Dafadar SIS RAM, 29th Lancers (Deccan Horse).
 2. Pensioned Driver AHMAD SHAH, formerly of the 24th Hazara Mountain Battery (Frontier Force).
 3. No. 1123 Lance-Naik SIS RAM SINGH, 9th Bhopal Infantry
 4. Pensioned Sepoy MIR ZAMAN KHAN, formerly of the 22nd Punjabis.
 5. Pensioned Havildar MIRZA KHAN, formerly of the 46th Punjabis
 6. No. 1279 Band Havildar INAYATULLA KHAN, 89th Punjabis.
 7. Pensioned Sepoy HUSAIN ALI SHAH, formerly of the 91st Punjabis (Light Infantry)
 8. Havildar SULTAN SINGH, 95th Russell's Infantry.
 9. No. 2493 Naik NARAYAN SINGH, 102nd King Edward's Own Grenadiers.
 10. Havildar RASAL, 113th Infantry.
 11. Pensioned Naik KARIM DIN, formerly of the 125th Napier's Rifles.

- | | |
|--|--------------------------------|
| 12. No 3555 Lance-Naik SHERBAHADUR BURA,
1st Battalion, 2nd King Edward's Own Gurkha
Rifles (The Sirmoor Rifles) | 612
<hr/> 8th Nov,
1915. |
| 13. No 1784 Havildar HARKBIR THAPA, 2nd
Battalion, 4th Gurkha Rifles. | |
| 14. No. 1930 Havildar BIRAJIT GURUNG, 1st Bat-
talion, 8th Gurkha Rifles | |
| 15. No. 1355 Rifleman BHIWAL SAHI, 1st Battalion,
8th Gurkha Rifles | — |
| 16. No 3483 Havildar KARAKBIR THAPA, 1st
Battalion, 8th Gurkha Rifles. | |

612. Rewards—The Government of India have been pleased to sanction the grant of a sword of honour and a khilat which may take the form of a gun, Army Department letter No H 8136, dated 11th October 1915, robe, watch, etc., not exceeding Rs 300 in total value, to each of the following Indian officers, in recognition of their good work in connection with recruitment for the Indian Army during the present war —

1. Risaldar MARDAN KHAN, 1st Duke of York's Own Lancers (Skinner's Horse)
2. Risaldar-Major RAMJI LAL, 14th Murray's Jat Lancers
3. Pensioned Risaldar-Major and Honorary Captain LAL SINGH, *Sardar Bahadur*, formerly of the 11th Murray's Jat Lancers
4. Rescinder KARIM NAWAZ KHAN, 15th Lancers (Curzon's Multanis)
5. Risaldar MALIK SHER BAHADUR KHAN, 39th King George's Own Central India Horse.
6. Subadar-Major AKBAR ALI, *Bahadur*, 1st King George's Own Sappers and Miners.
7. Subadar-Major FATEH KHAN, *Bahadur*, 19th Punjabis.

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8. Pensioned Subadar-Major and Honorary Captain NATHU SING SUNWAR, *Sardar Bahadur*, formerly of the 1st Battalion, 39th Garhwal Rifles.
- 9 Subadar DALPAT SINGH, 97th Deccan Infantry
10. Subadar CHIMAJI GARUD, 105th Mahratta Light Infantry.
11. Subadar MIRCHI SINGH, 112th Infantry.
12. Jemadar GANGADHAR SINGH, 113th Infantry.
13. Jemadar ZIARUDDIN KHAN, 122nd Rajputana Infantry.
- 14 Pensioned Risaldar-Major and Honorary Captain HANWANT SINGH, *Sardar Bahadur*, formerly of the 3rd Skinner's Horse.
- 15 Pensioned Subadar-Major and Honorary Captain MANA KHAN, *Sardar Bahadur*, formerly of the 83rd Punjabis.

613 Pay and Allowances—*Gratuity on discharge or transfer to the Reserve or on disembodiment.*—The Government of India have decided that the provisions of Army Order No 427 of 1914 shall be applicable to India. The order will not, however, apply to volunteers who receive an allowance on being released from actual military service under paragraph 140, Army Regulations, India, Volume IX, nor to those who have been specially enlisted for service overseas with the Volunteer Mobile Battery, Volunteer Maxim Gun Company, or Volunteer Armoured Train Detachment, who receive a special gratuity under the terms of their enlistment.

614 *Separation Allowance.*—No. I, dated 7th 1915, it is notified that the national transmission only in the case of those families in receipt of the lower rate of separation allowance and who are eligible for subsistence allowance; vide paragraph 607, Army Regulations, India, Volume II, and to families of reservists recalled to the colours and in receipt of the lower

rate of separation allowance Free rations are inadmissible for families of departmental warrant officers, and non-commissioned officers of the Unattached List in receipt of consolidated rates of pay The Government of India have, however, been pleased to decide that recovery of the value of any rations that may have been issued prior to the date of this order shall be waived

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1915.

615 Pay and Allowances—It is notified that the War Office have sanctioned the issue of field allowances of one shilling per diem to warrant officers, British units, serving in Indian Expeditionary Force, from date of embarkation for active service

Army Department No
H 8608 dated 19th October
1915

Office have sanctioned the issue of field allowances of one shilling per diem to warrant officers, British

units, serving in Indian Expeditionary Force, from date of

embarkation for active service

616 Pay and Allowances—It is notified that the Government of India have decided that all departmental officers with honorary rank and warrant and non commissioned officers of the Indian Unattached List including those officiating in Unattached List appointments, as well as members of the Assistant Surgeon Branch of the Indian Subordinate Medical Department, serving with the various Indian Expeditionary Forces shall receive, while sick or wounded, the full pay which they were drawing before being struck off duty, for a period of three months and thereafter, the rate of pay ordinarily admissible on sick leave under Indian regulations

Army Department No
H 8606 dated 19th October
1915

officers of the Indian Unattached List including those officiating in Unattached List appointments, as

well as members of the Assistant Surgeon Branch of the Indian Subordinate Medical Department, serving with the various Indian Expeditionary Forces shall receive, while sick or wounded, the full pay which they were drawing before being struck off duty, for a period of three months and thereafter, the rate of pay ordinarily admissible on sick leave under Indian regulations

2 This decision has effect from the date of the outbreak of the war

617 Pay and Allowances—It is notified that the

Army Department No. H
8118, dated 29th September
1915.

and warrant and non-commissioned officers of departments and services, at the marginally noted rates, for the periods during which they were, or may in future be, detained in India en route for field service overseas

Departmental officers with
honorary rank 1 & 5 a day
Warrant officers 1 & 3 a
day
Non-commissioned officers,
Rs. 2 a day

618

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1915.

12 This decision is subject to the condition that the recipients of the allowance were or are not accommodated in government buildings or in tents during the period of their detention

618 Postal Arrangements—British Expeditionary Force—The following instructions regarding correspondence for the *British Expeditionary Force* in Europe are published in substitution of "II" of India Army Order No 325, 1915

CORRESPONDENCE FOR THE BRITISH EXPEDITIONARY FORCE IN EUROPE.

These instructions do not apply to British units forming part of the Indian Expeditionary Force

What may be sent

Postcards unregistered letters, newspapers, book packets and parcels may be sent to members of the *British Expeditionary Force*

What may not be sent

No insured articles value payable articles, registered letters or money orders may be sent

Method of address—The address of articles intended for members of the Expeditionary Force should include—

- (i) Regimental number (if known),
- (ii) Rank,
- (iii) Name,
- (iv) Squadron or Company,
- (v) Battalion Battery, Regiment (or other unit), Staff appointment or Department,
- (vi) British Expeditionary Force
- (vii) C/o General Post Office, London, England.

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The following is an example of the correct mode of addressing a letter to a soldier serving with his own unit —

633, Private J Smith,

B Company,

1st Battalion, East Yorkshire Regiment,

British Expeditionary Force,

C/o General Post Office, London,

England

Special care should be exercised in addressing articles to officers, non-commissioned officers and men who may be detached from their units and employed in other appointments. The following example is given —

2615, Corporal R Brown,

20th Hussars

Attached 1st Divisional Staff,

British Expeditionary Force,

C/o General Post Office, London,

England

In order to ensure delivery the following particulars require to be inserted —

- (i) *Infantry* — Number of battalion as well as name of regiment
- (ii) *Artillery* — Number of battery. If the battery is — lettered the number of the Brigade is necessary
- (iii) *Cavalry* — Letter or number of squadron and name of regiment
- (iv) *Royal Engineers* — Name and number or letter of company, section, squadron or troop
- (v) *Royal Army Medical Corps* — Number and name of ambulance, hospital, section or squadron
- (vi) *Army Service Corps, Army Ordnance Corps* — Number or name of company, section or other unit.

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1915.

Except in the case of letters, etc., for men or sections attached to Headquarters, the inclusion of the name of the brigade or division in the address on correspondence for Infantry and Cavalry is unnecessary and more likely to cause delay than to be of assistance in delivery.

In no case may the name of any place be inserted in the address.

RATES OF POSTAGE.

Full prepayment of postage is compulsory at the following rates, —

Letters	1 anna per ounce or part of that weight
Postcards	1 anna.
Newspapers and book packets ...	$\frac{1}{2}$ anna per 2 ounces or part of that weight.

Parcels. —

	Rs.	A.	P.
Weight not more than 3 lbs .	..	1	3 0
Weight over 3 lbs and not more than 7 lbs.	2	0 0
Weight over 7 lbs and not more than 11 lbs	.	2	13 0

619. Chelsea Pensions — It is notified for information that the Government of India have been pleased to accord approval to the provisions of Army Orders Nos. 296 and 297 of 1915, being made applicable to India

620. Family allotments — It is notified for information that the Government of India have decided that a military staff clerk in receipt of consolidated pay is eligible to make family remittances to his wife through the public accounts

Army Department letter
No. 10401 1 (A. D.), dated
20th October 1915

621. Engineers—Mobilization—The following is substituted for India Army Order No. 344 of 1915, which was promulgated as a Special India Army Order, dated 8th June 1915.—

With the approval of the Most Hon'ble the Secretary of State for India, the Government of India sanction* the reorganisation of

*Army Department letters Nos H 5243, dated 31st May 1915, and H-8598, dated 19th October 1915

the three Corps of Sappers and Miners, as a temporary measure, during the war

2 The new establishments to be maintained—

(a) In India,

(b) On active service,

are detailed in Tables I, II and III annexed

3 From the establishment to be maintained in India, after deducting the number present with the field companies, 23rd Fortress Company, defence light, and other special sections remaining in India, depot companies, each of the same establishment of fighting men and followers as a field company of Sappers and Miners, will be formed in accordance with the following instructions

4. The present depot companies ("B," "D" and "F") will, after adjustment to the new establishment of a depot company, be called —

"B. 1" (Depot) Company, 1st King George's Own Sappers and Miners

"D. 1" (Depot) Company, 2nd Queen Victoria's Own Sappers and Miners

"F. 1" (Depot) Company, 3rd Sappers and Miners

5 The bridging train, printing and photo-litho sections, 23rd Fortress Company, and defence light sections will be in addition to the depot companies, and if present at headquarters will be regarded as separate units but should be attached to depot companies for administrative convenience

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1915.

6 Of the 150 sappers and 18 drivers in such a depot company, all except 10 should be recruits. These 10 are those required for the duties of storemen, clerks, assistant to armourer, and schoolmasters, orderlies, etc., *vide* India Army Order No 587 of 1914. At the discretion of the commandant the number of trained sappers per depot company may be increased to 20 when necessary.

7. As soon as the establishment of a depot company as above, is exceeded by the arrival of recruits, a second depot company called "B 2," "D 2" or "F 2," as the case may be will be started. This company should again have the same establishment as a field company and should like "B 1," "D 1" and "F 1," have all its sappers recruits, except a maximum of 20 trained men for the duties previously mentioned over those required for half the full complement of non-commissioned officers and, as soon as a subadar will be procured.

8 As soon as the second depot company is complete another ("B 3," "D 3," "F 3") will be formed under the same conditions as the second depot company, and the formation of additional companies will be continued until the full necessary number of recruits is provided for.

9 A new depot company may be formed without a driver establishment if the full number of drivers is either not wanted or not forthcoming.

10 The establishment of each depot company will include two British officers and two British non-commissioned officers if available. The company commander and one British non-commissioned officer will be appointed as soon as the new company numbers 10 recruits, the company officer and the junior British non-commissioned officer being added when the number of recruits has risen to 120. Staff pay as company commander and company officer respectively will be admissible for the two officers.

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- 1 Adjutant
- 1 Superintendent of Park and Instruction
- 1 Warrant Officer
- 1 Regimental Sergeant Major
- 1 Regimental Quarter Master Sergeant
- 2 Quarter Master Sergeant Instructors

Note—If both the Superintendent of Park and Superintendent of Instruction happen to remain at headquarters they shall continue to draw pay as such. The staff pay of the Superintendent of Park and Instruction will be as laid down for the Superintendent of Park or Superintendent of Instruction.

16 India Army Order No 557, dated 26th October 1914 is cancelled with effect from the date on which the new organization is brought into force in each corps of Sappers and Miners.

17 It is to be clearly understood that drafts for overseas service they have left headquarters or in outlying companies are to be excluded from the establishment in India now laid down recruits being enlisted in their place.

Men returning to India, invalided from overseas are not to be taken again on the establishment, although they may be temporarily at headquarters, until they are finally reported fit for duty.

18 Any men of the Maler Kotla Sappers and Miners with the 3rd Sappers and Miners if not in the floating surplus are to be included within the establishments laid down in Table III annexed.

19 Extra duty pay at Rs 5 per mensem is authorized for 1 Havildar Instructor for each depot company in excess of "B 1," "D 1" and "1 1."

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1915.

TABLE II

21st Queen's Victoria's Own Sappers and Miners (Indian ranks only)

Rank	ESTABLISHMENT IN INDIA				ESTABLISHMENT ON ACTIVE SERVICE					Grand Total.	Present Establishment.	Increase
	4 Companies and Photo Lihos	1 Section and Printing	1 Defence Light Section	Total	1 Field Com pance	1 Field Troop	1 Printing Section	1 Photo Lihos Section	1 Field Park	Total		
Subalterns	7			7	2					2	7	2
Second Lieutenants	14			14	4	2				6	14	6
First Lieutenants	42			42	12	2				54	42	12
Second Lieutenants	70			70	20	2				92	70	22
Sappers	991	8	26	1025	300	50	4	4		1379	1050	329
Engineers and Transporters	11			11	4					15	11	4
Ward orderlies	7			7	2					9	7	2
Harbour Drivers	7			7	2					9	7	2
Wagon Drivers	7			7	2					9	7	2
Drivers	126			126	26					152	126	26
Total	1291	8	32	1321	386	56	4	4	3	1370	1363	412

Note.—The Burma Company is omitted from this table. Its establishment as authorized is extra to that shown herein.

TABLE III
3rd Sappers and Miners (Indian ranks only)

Rank	ESTABLISHMENT IN INDIA				ESTABLISHMENT ON ACTIVE SERVICE				Grand Total	Present Establishment	Increase
	2nd Lieut Comdant	Porter Comdant	Defence Light Section	Total	4th Field Comdant	1st Lieut Comdant	1st Private and 1st Photo-Litho	1 Field Pa	Total		
Subalterns	6			6	4				4	10	2
Junior Officers	13	1	2	16	8				8	24	7
Intermediate	22	2	2	43	24	1	1	1	26	69	23
Non-Commissioned Officers	25	3	1	29	49	1		1	48	114	36
Privates	970	43	37	1050	600	20	8		628	1684	528
Total	108	1		109	72				72	180	72
	1241	50	45	1336	728	22	8	2	800	2180	821

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1915.

India Army Form K-1162-A. Enrolment Form, Combatant, special for the period of the war

With reference to India Army Order No 703 of 1914, this form will be taken into use for enlistments in the Indian Army for the period of the war, and will be issued as required

The following forms have been revised.—

Army Form B-213-M. Field return.

Second footnote on page 1. *Delete* the words "the names being shewn in A F.A.-38."

Pending a reprint, the correction will be made in manuscript

India Army Form V-1766.—Requisition for Annual Veterinary supplies from Medical Store Depôts.

The revised form will be taken into use at once.

India Army Form W.-1779. Agreement form, temporary establishment.

On page 1, after the first clause of the conditions of service, add:—

"... may be dispensed with at the discretion of the commanding officer in the case of serious misconduct or part, and otherwise after one month's notice, or on payment of one month's salary in lieu of notice.

If persons so employed wish to resign, they must give a month's notice of such intention, and if they leave without such notice, they will forfeit a month's pay"

The revised form is to be taken into use at once, copies of the obsolete form being destroyed.

The following amendments are made to India Army Form Z-2001:—

Pages 4 and 5, insert —

A F B 103 A	G	Register of prisoners of war in hospital.
A F B 103 B ...	G	Register of enemy's dead.

Pages 18 and 19, insert —

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8th Nov.
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A F O 1709 M	G	Application for increase of pay for army schoolmasters army schoolmistresses, etc.
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And in the Remarks column, insert —

"Issued as required"

Pages 90 and 91, insert —

E 1162 A	G	Combatants, special for the period of the war
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In the Remarks column, insert —

"Issued as required"

626 Corrigendum—Army Orders—In the second line of India Army Order No 563 of 1915, for 804 read 304

F J AYLMER, Major-General,
Adjutant-General in India

INDIA ARMY ORDERS

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.

Army Headquarters, Simla, the 15th November 1915.

627. The London Gazette of the 5th October 1915, 627
was received at Army Headquarters on the 28th October 15th Nov.
1915. 1915.

The London Gazettes of the 12th, 14th, 15th, 16th, 18th
and 19th October 1915 were received at Army Headquarters
on the 9th November 1915

628. Appointments—Regimental.—The Commander-
in-Chief in India is pleased to make the following appoint-
ments:—

..... E Hitchins,
..... Commandant and
..... Commander, to
..... Lieutenant-Colonel
..... in command of the
Jhelum Brigade Dated 19th July 1915.

Lieutenant-Colonel H. E. Hitchins, Second-in-Command,
to be temporary Commandant and Major H. T. Marshall,
..... temporary Second-in-
..... H. Budd, vacated.

Captain H. V. Lane, Double Company Commander, to be
temporary Second-in-Command, *vice* Lieutenant-Colonel
H. E. Hitchins, appointed temporary Commandant. Dated
22nd September 1915.

25th Punjabis.—Captain B. C. Penton, Double Company
Commander, to be officiating Second-in-Command, *vice*
Captain C. N. Steel, relieved. Dated 14th October 1915.

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1915.

32nd Sikh Pioneers.—Major A. V. W. Hope, Double Company Commander, 23rd Sikh Pioneers, to be Second-in-Command, *vice* Colonel (temporary Brigadier-General) A. S. Cobbe, V C, C.B., D.S.O., A.D.C., appointed Commandant. Dated 23rd October 1915.

Major A. V. W. Hope, Second-in-Command, to be temporary Commandant, *vice* Major G. C. Hodgson, D.S.O., relieved. Dated 23rd October 1915.

Major G. C. Hodgson, D.S.O., Double Company Commander, to be temporary Second-in-Command, *vice* Captain H. S. Mitchell, relieved. Dated 23rd October 1915.

46th Punjabis—Captain E. H. Lewin, Double Company Commander, *pro tem*, to be officiating Second-in-Command in addition to his other duties, *vice* Lieutenant Colonel I. J. Fraser, granted leave on medical certificate. Dated 7th August 1915.

75th Carnatic Infantry—Major L. H. R. Ames, Double Company Commander, to be officiating Second-in-Command, *vice* Major C. D. Field, employed as additional General Staff Officer, 1st Grade, 5th (Mhow) Division. Dated 1st July 1915.

87th Punjabis—Captain S. M. H. Bailie, Double Company Commander, to be temporary Second-in-Command, *vice* Major G. H. Prevost, employed with 2/67th Punjabis. Dated 3rd October 1915.

2nd Battalion, 1st King George's Own Gurkha Rifles (The Malann Regiment).—Captain H. Holderness, Double Company Officer, to be temporary Second-in-Command, *vice* Lieutenant-Colonel E. D. Money, C.I.E., appointed Commandant. Dated 21st August 1915.

629. Indian Lines—Hutting—The composition of the Indian Cavalry Lines Committee, No. 2, has been revised as follows:—

President.

Lieutenant-Colonel E. W. Boudier, 17th Cavalry.

Members

Lieutenant-Colonel C. A. Luck, 22nd Sam Browne's Cavalry (Frontier Force).

Lieutenant-Colonel R. E. Chaplin, 8th Cavalry.

Lieutenant-Colonel W W G Griffith, 32nd Lancers

15th Nov
1915.

630 Rewards—Good Conduct—The silver medal for Long Service and Good Conduct has been awarded to the warrant and non-commissioned officers of the India Unattached List, named in the list published as an annexure to this order

631 Pay and Allowances—It is notified that the Government of India have decided that all British soldiers who have been, or may be, retained in India beyond their normal period of army service on account of the war, and who are not qualified for proficiency pay, shall be granted such pay under the conditions laid down in paragraph 492 F, Army Regulations, India, Volume I, for serving soldiers on mobilization. This decision has effect from the 16th August 1914

632 Pay and Allowances—Separation Allowance—It is notified that Special India Army Order dated the 27th July 1915 (India Army Order No 443 of 1915) is cancelled

633 Clothing—Indian Army—The Government of India have sanctioned, with effect from the 18th January 1916, and in lieu of the initial allowance of Rs 1-3 0 per reservist authorised under Army Department letter, No H. S 292 of that date, the grant to embodied Indian Army reservists of a monthly allowance of Re 0 8 0 each, for the provision and maintenance of such small articles of necessaries as may be considered necessary by commanding officers

634 Pay and Allowances—It is notified for information that the Government of India have decided that the Aden garrison shall be treated as a force on field service overseas for the purpose of the grant of separation and other family allowances

635 Postal Arrangements—Mediterranean Expeditionary Force—In India Army Order No 412, dated 16th August 1915, page 395,

Under (a) *delete* the word "Mediterranean" in line 2, and *insert* the letter "G" after the word "Force" in line 3

Under (b) *delete* the word "Mediterranean" in line 2, and for the letter "L" in line 2 *substitute* the letter "Z"

636 Re engagement, Territorial Force—As some doubt has arisen on the terms of the declaration of a soldier of the Territorial Force on re engagement, the Army Council has intimated that if any man signs Army Form W 8126 he is only bound for the duration of the war at the termination of which he

will be discharged with all convenient speed, and his obligation does not demand his retention in the Territorial Force for any length of time after the end of the war unless he elects to stay longer. There is however no objection to the Army Form W-8126 being altered in manuscript, with the soldier's consent, to make his position quite clear, by inserting "after termination of the war" the words "if I so desire," but on no account is any other amendment to be made on the form

Army Form L 611 may continue to be used, but only for a man who elects to re engage for the full period of four years without any proviso

F J AYLMER, *Major General*,

Adjutant-General in India

ANNEXURE TO INDIA ARMY ORDER No. 630 OF 1915

Award of the silver medal for Long Service and Good Conduct.

Without Gratuity.

Sub-Conductor	THOMAS	}	Indian Ordnance De- partment.
SMITH			
Sub-Conductor	William H		
BEHEENA			
Sub-Conductor	JOHN THOMAS	}	
FALLON			
Sub-Conductor	JOHN WADE.	}	
Sub-Conductor	William	}	Supply and Transport Corps.
HAYES			
Sub-Conductor	Ernest L.	}	
SMITH		}	
Sub-Conductor	George J. F.	}	Military Works Ser- vices.
BROWN			
Sub-Conductor	George H.	}	
HOLMES		}	
Sub-Conductor	Percy H.	}	
MARSHALL.			
Sub-Conductor	F. C HORSEY	}	India Miscellaneous List
Sub-Conductor	WILLIAM J.	}	
GREEN.		}	
Conductor	H. JOYNER	...	

1st Class Assistant Surgeon Wil-
liam H. THIPTHORPE.

1st Class Assistant Surgeon John
C. MILBURN.

1st Class Assistant Surgeon Wil-
liam J. P. MARTIN.

1st Class Assistant Surgeon, Re-
ginald W. PETTIGREW.

1st Class Assistant Surgeon
Edwin A. PICACHY.

1st Class Assistant Surgeon Gil-
bert H. PERKINS.

1st Class Assistant Surgeon A. W.
DYER.

Indian Subordinate
Medical Department

With Gratuity.

Staff-Serjeant Walter L. FREES-
TON (2nd Battalion, Dorset
Regiment).

Staff-Serjeant Archibald GIBSON
(Royal Artillery).

Staff-Serjeant William R. JAMES
(Royal Artillery)

Staff-Serjeant Matthew HORGAN
(Royal Artillery).

Staff-Serjeant Samuel C. SEALY,
(Worcestershire Regiment).

Staff-Serjeant Henry J. CHEE-
THAM (Royal Artillery).

Indian Ordnance De-
partment.

Staff-Serjeant Ernest F. R.
DOWNES (Royal Artillery).

Supply and Transport
Corps.

Staff-Serjeant Oswald H LEICESTER (2nd Battalion, The Black Watch)	}	Supply and Transport Corps
Staff Serjeant William J. BROWN (2nd Battalion, Royal Irish Fusiliers)		
Staff Serjeant John F NAPIER (1st Battalion, Border Regiment)		
Staff Serjeant (now Sub Conductor) Reuben ROOKES (Royal Fusiliers)	}	Public Works Department
Staff Serjeant Francis C BALL (Leicestershire Regiment)		
Staff Serjeant William CHAPLIN (Royal Engineers)		Military Works Services
Staff Serjeant Thomas COOMBS (Royal Engineers)	}	Barrack Department
Staff Serjeant John R TARR (Royal Engineers)		
Staff-Serjeant Christopher J A MITCHINSON (1st Battalion, Royal Irish Regiment)	}	Army Clothing Department
Staff Serjeant Herbert J. BIRD (2nd Battalion, Dorset Regiment)	}	India List Miscellaneous
Staff Serjeant Charles STOVIN (7th Hussars).		
Staff-Serjeant William BETTS (1st Battalion, Bedfordshire Regiment)		

1st Class Assistant Surgeon Wil-
liam H. THIPTHORPE.

1st Class Assistant Surgeon John
C. MILBURN.

1st Class Assistant Surgeon Wil-
liam J. P. MARTIN.

1st Class Assistant Surgeon Re-
ginald W. PETTIGREW.

1st Class Assistant Surgeon
Edwin A. PICACHY.

1st Class Assistant Surgeon Gil-
bert H. PERKINS.

1st Class Assistant Surgeon A. W.
DYER.

Indian Subordinate
Medical Department

With Gratuity.

Staff-Serjeant Walter L. FREES-
TON (2nd Battalion, Dorset
Regiment).

Staff-Serjeant Archibald GIBSON
(Royal Artillery)

Staff-Serjeant William R. JAMES
(Royal Artillery)

Staff-Serjeant Matthew HORGAN
(Royal Artillery).

Staff-Serjeant Samuel C. SEALY,
(Worcestershire Regiment).



Staff-Serjeant Henry J. CHEE-
THAM (Royal Artillery).

Indian Ordnance De-
partment.

Staff-Serjeant Ernest F. R.
DOWNES (Royal Artillery).

Supply and Transport
Corps.

Staff-Serjeant Oswald H LEICESTER (2nd Battalion, The Black Watch)	}	Supply and Transport Corps
Staff-Serjeant William J. BROWN (2nd Battalion, Royal Irish Fusiliers)		
Staff Serjeant John F NAPIER (1st Battalion, Border Regiment)		
Staff Serjeant (now Sub Conductor) Reuben ROOKS (Royal Fusiliers)	}	Public Works Department
Staff Serjeant Francis C BALL (Leicestershire Regiment)		
Staff Serjeant William CHAPLIN (Royal Engineers)		Military Works Services
Staff Serjeant Thomas COOMBS (Royal Engineers)	}	Barrack Department
Staff Serjeant John R TARR (Royal Engineers)		
Staff-Serjeant Christopher J A MITCHINSON (1st Battalion, Royal Irish Regiment)	}	Army Clothing Department
Staff Serjeant Herbert J BIRD (2nd Battalion, Dorset Regiment)		
Staff Serjeant Charles STOVIN (7th Hussars).	}	India List Miscellaneous
Staff-Serjeant William BETTS (1st Battalion, Bedfordshire Regiment)		

Staff-Serjeant Thomas TERRY (1st Battalion, South Wales Borderers)	}	India	Miscellaneous List
Staff-Serjeant William H SLO- BOM, (2nd Battalion, Liver- pool Regiment).			
Colour-Serjeant Ernest HART- LEY, (2nd Battalion, Rifle Brigade)		Band of His Excellency the Viceroy.	
Serjeant Albert MULLETT (8th Hussars)		Band of His Excellency the Governor of Bom- bay. 	
Serjeant Henry LANGLEY (Norfolk Regiment)		Band of His Excellency the Governor of Ben- gal	
Private and Senior Musician James H CARR		Band of His Excellency the Governor of Mad- ras	
Serjeant Thomas FLOYED (Royal Artillery)		Corps of Military Staff Clerks	
Acting-Serjeant-Major William RIGBY, (1st Dragoon Guards)		Punjab Light Horse	
Squadron-Serjeant-Major-Instruc- tor Sydney GRUNDY (2nd Battalion, Leicestershire Regi- ment)	}		
Colour-Serjeant-Instructor George BUCKINGHAM (1st Batta- lion, Oxford and Bucks Light Infantry)		}	2nd Battalion Bombay, Baroda and Central India Railway Volun- teer Rifles
Colour-Serjeant-Instructor Charles W CLARK (2nd Battalion, Worcestershire Regiment)			

Colour Sergeant Instructor Arthur LODD (2nd Battalion, 1st Kent Regiment)	South Indian Railway Volunteer Rifles
Acting Sergeant Major Frederick J. PILLMAN (Royal Artillery)	Bombay Volunteer Artillery
Colour Sergeant Instructor Thomas BROADBENT (2nd Battalion, Cheshire Regiment)	1st Battalion, Bombay Baroda and Central India Railway Volunteer Rifles
Colour Sergeant Instructor Ben COOKE (East Yorks Regiment)	Bombay Volunteer Rifles
Colour Sergeant Instructor Peter MACDONALD (1st Battalion Cameron Highlander)	1st Battalion Central Indian Peninsula Railway Volunteer Rifle Club
Colour Sergeant Instructor George T. LYNCH (1st Battalion Royal Dublin Fusiliers)	Madras and Southern Maharatta Rail Rifles
Acting Sergeant Major Albert MURION (10th King's Hussars)	2nd (Northern Regiment) United Provinces Horse
Squadron Sergeant Major Instructor Arthur J. BLAN (7th Dragoon Guards)	
Colour Sergeant Instructor Arthur SYKES (1st Battalion, Oxford and Bucks Light Infantry)	Agra Volunteer Rifles
Company Sergeant-Major Instructor Arthur J. O'NEIL (Royal Artillery)	Rangoon Port Defence Volunteers
Colour Sergeant Instructor Hugh MORTON (1st Battalion, Border Regiment)	Rangoon Volunteer Rifles
Colour Sergeant Instructor Charles G. COOTE (1st Battalion, Rifle Brigade)	Burma Railways Volunteer Corps

Colour-Sergeant-Instructor Horace W. MARTIN (1st Battalion, Royal Scots)	Burma Railways Volunteer Corps
Squadron Sergeant-Major-Instructor Alfred W. WEARN (2nd Battalion, Royal Fusiliers).	Northern Bengal Mounted Rifles
Acting Sergeant Major George L. ATKINSON (2nd Battalion, East Yorks Regiment)	East Indian Railway Volunteer Rifles
Colour-Sergeant-Instructor Cyril R. TWIGDEN (1st Battalion, Lancashire Fusiliers).	2nd Battalion, Calcutta Volunteer Rifles
Farrier-Staff-Sergeant Henry HITCHINGS (17th Lancers)	Subordinate Veterinary Department
Quartermaster-Sergeant Claude M. LANGSHAW (4th Battalion, King's Royal Rifles)	India Unattached List
Sergeant David ALLEN (1st Battalion, West Riding Regiment).	
Sergeant Charles FRANKLIN (1st Dragoon Guards).	
Sergeant Henry J. PAYNE (7th Hussars)	

F. J. AYLMER, *Major-General,*
Adjutant General in India

INDIA ARMY ORDERS

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.

Army Headquarters, Simla, the 22nd November 1915

637 The London Gazettes of the 20th, 21st 22nd, 23rd, 25th and 26th October 1915 were received at Army Headquarters on the 10th November 1915

637

22nd Nov.
1915.

638 Appointments—The Commander-in Chief in India is pleased to make the following appointments —

Lieutenant Colonel C H James C I E I M S, Civil Surgeon, Simla West, and Captain H W Acton, I M S, Civil Surgeon, Simla East, to the Medical charge of Army Headquarters' Staff and establishments at Simla residing in Simla West (including Elysium) and Simla East, respectively

These appointments are with effect from the forenoon of the 1st November 1915 during the absence from Simla of Major G Tate, I M S

Lieutenant Colonel P T. Cooper, R A, Ordnance Officer, to be Assistant Director of Ordnance Stores, 8th Division, Allahabad, with effect from the 9th November 1915, *vice* Lieutenant-Colonel W C A Radcliffe, R A, vacated

639 Appointments—Regimental—The Commander-in Chief in India is pleased to make the following appointments —

27th Punjabis—Lieutenant Colonel G H Bell, Double Company Commander, to be Second-in Command, *vice* Lieutenant-Colonel G W Robinson vacated Dated 28th October 1915

109th Infantry—Lieutenant-Colonel M T Elderton, Second-in Command, to be Commandant, and Major H P Strong Double Company Commander, to be Second-in-Command, *vice* Lieutenant-Colonel C. B Baldock, deceased Dated 20th. October 1915.

123rd Oudham's Rifles—Captain J G Rae Double Company Officer (Adjutant), to be temporary Second in Command,

640 vice Major B. G. B. Kidd, appointed temporary General Staff Officer, 2nd Grade, 5th (Lucknow) Division. Dated 22nd Nov. 1915. 4th April 1915.

640. Leave.—The undermentioned officer is granted leave in India —

Major-General R. Wapshare, C B, Indian Army, for 3 months on medical certificate under Army Department letter No H-4774, dated 10th May 1915.

641 Volunteer Long Service Medal—Silver medals have been awarded to the members of the Indian Volunteer Force named in the list published as an annexure to this order.

642. Promotions—Indian Units—With reference to India Army Order No 100 of 1915, it is notified that promotions will take effect from the date following that of the casualty and not from the date of casualty as therein stated.

643. Pay and Allowances—It is notified for information that India Army Order No 517 of 1915 does not alter existing regulations regarding qualification for the grant of armament and engineer pay.

644 Pay and Allowances—Separation Allowance—The attention of all concerned is invited to Army Orders Nos 350 and 351 of 1915, and Army Order No IV of the 16th September 1915. Arrangements are being made for the issue to all concerned of copies of the Separation Allowance Regulations referred to in the first quoted Army Order.

2 The attention of all concerned is also invited to Army Order No V of the 16th September 1915, superseding the instructions contained in paragraph 2 of India Army Order No 266 of 1915, which should be amended accordingly.

645. Pay and Allowances—It is notified for information that, with the approval of the Right Hon'ble the Secretary of State for India, the Government of India have decided that in supersession of the rate of pay laid down in paragraph 13 (b), Army Regulations, India,

22nd Nov.
1915.

Volume I for the temporary field appointment of Brigade Commander all Brigade Commanders in the field below the rank of Major General shall receive with effect from the 1st December 1915, consolidated pay at Rs 2 100 per mensem without exchange compensation allowance. The same rate of pay will also be admissible to Colonels on the Staff commanding brigades on field service with effect from the 1st October 1915.

646 Clothing—Indian Army—The Government of India sanction the inclusion in the scale of kit authorised for embodied Indian Army reservists in Army Department letter No H-1317,

Army Department letter
No H 8757 dated 20th
October 1915

dated 6th October 1914 of 2 suits of underclothing per reservist per annum. The articles will be supplied under regimental arrangements free at the expense of the State.

647 Clothing—British Army—Bedding—The Government of India have approved of a new pattern of mosquito curtain for use by all services, to be issued in place of that approved in India

Army Department letter
No 175062 (Q M G S)
dated 14th October 1915

Army Order No 360 of 1913

The new pattern curtains will be supplied by the Army Clothing Department at Rs 4 8 0 each approximately, but the rate is subject to modification in accordance with fluctuations in the market rate of netting.

2 The specification for the new pattern curtain is given below—

Mosquito curtain made of mosquito netting 47" wide

Measurements

Length	1ds	2 10"
Width	"	1 8"
Height (including longcloth banding at top and bottom 13½ inches)	1ds	1.04"

3 Tenders for the supply of mosquito curtains may be sent to the Army Clothing Factories at Alipore and Madras

648)

22nd Nov.
1915.**648. Clothing—British Army—**The Government of

India have decided that the provisions of Army Department letter No. H. S. 540, dated 22nd Oct. 1915,

shall be made applicable to ex-regular soldiers, re-enlisting, as a special case, under the terms of India Army Order No. 660 of 1914, for employment in India. Unattached List soldiers (except departmental warrant officers and any in receipt of consolidated pay, which includes clothing allowance) should draw the rate of clothing allowance laid down in Army Regulations, India, Volume XI, paragraph 67, item 57, and receive a free issue of public clothing under the provisions of Army Regulations, India, Volume XI, paragraph 79.

649. Recruiting—Indian Army.—It is notified for information that the Government of India have decided as a temporary war measure, the term

Army Department letter
No. H. S. 14 dated 12th Nov.
1915.

Recruiting parties mentioned in paragraphs 89 to 92, Army Regulations India Volume V, and paragraph 1, India Volume I, shall be authorized by Officers to bring in

recruits

650 Army Orders—Attention is directed to the following Army Orders, dated the 1st September 1915:—

No 319 Promotion of Lieutenants of Royal Army Medical Corps, Special Reserve and Territorial Force;

No 36 Rate of Exchange—Expeditionary Force;

No 347 King's Regulations—Amendments;

No 48 Territorial Force Regulations—Amendments.

F. J. AYLMER, Major General,

Adjutant-General in India

ANNEXURE TO INDIA ARMY ORDER No 641 OF 1915

List of officers, non-commissioned officers and men of the Indian Volunteer Force who have been awarded the Volunteer Long Service Medal

Bihar Light Horse

Regimental-Quartermaster-Serjeant L LEE.

Surma Valley Light Horse

Second-Lieutenant H GILBERT

Troop-Serjeant Major A F. STUART.

Serjeant J G MASSIE TAYLOR

Serjeant-Farrier A McCREATH

Lance-Serjeant W R P. GUNNERY


Lance-Corporal L H HUNT ROSS

Trooper A R. HARVEY

„ W C G STOKER

„ R G MATHEWSON

„ B C. CORRY SMITH.

 „ G. L BRYNING

United Provinces Horse.

2nd (Northern) Regiment

Captain H. G BILLSON

Trooper F E MYERS

Chota Nagpur Light Horse.

Serjeant W K MEARES

Bombay Volunteer Artillery.

Honorary Lieutenant and Quartermaster H.
ROYAL

Cossapore Artillery Volunteers.

Corporal T. RAE.
" J. CARRIE.
Gunner S W. SKINNER
" J McNIFF.

Madras Artillery Volunteers

Bombardier A. ANSELL.
Gunner V A D'GRASSA.
" W LAYBOURNE.
" J. B PAYNE

Madras Volunteer Guards.

Serjeant G A FITZHERBERT.
" T. HUNTER.
" G E SNEYD
Reservist C. W. MOSS.

Nagpur Volunteer Rifles.

Lieutenant P. DAVIES
Troop-Serjeant-Major A WOOD
Trooper A D C PERDRIAU
" P F PLOMER
Volunteer W. T PETERS.
" W. C. POTTER.
" K. PETERS.

Simla Volunteer Rifles

Volunteer A R PATTERSON

1st Calcutta Volunteer Rifles

Colour-Serjeant I SOLOMON

Bangalore Rifle Volunteers

Captain A S ANDREWS

Colonr-Serjeant L HAYES

Serjeant J St CLAIR POLLETT

V. „ A T WESTRAP

Volunteer D DALLAL

„ J PETER

„ J REYNOLDS

„ T DONAGHEY

, C FEREGARD

„ A D'COSTA

East Indian Railway Volunteer Rifles

Captain (Honorary Major) W J TOMES

Serjeant T C CORDELL

„ G E SIMPSON

V. Corporal L F C HYDE

Volunteer R D BACHMAN

G B BADIALI

P C BLACK

, J W DENT

„ W. FORSTER

„ A E HARRISON

„ J H HOCKADAY.

Volunteer S. HORE.

- „ J. A. IMLAY.
- „ A. J. JUDGE
- „ C. C. KINGHAM.
- „ J. C. McCORD.
- „ A. McGUIRE.
- „ A. McMAHON.
- „ A. MURDOCK.
- „ W. NUGENT.
- „ H. D. OEHME.
- „ W. J. PATTERSON.
- „ G. St. CLAIR PEDRO
- „ H. C. PLATTS.
- „ W. H. ROACH.
- „ H. ROE.
- „ H. A. THOMSON.
- „ H. WATLING.
- „ J. WINTER.
- „ H. WOOLMAN.
- „ A. WORDSWORTH.

Mussoorie Volunteer Rifles.

Colour-Serjeant H. W. BIGGILL.

Volunteer H. A. STONE

„ C. BAILEY.

Naini Tal Volunteer Rifles

Serjeant A. V. JONES.

Eastern Bengal State Railway Volunteer Rifles.

Captain D. H. KEELAN.

Volunteer A D JONES.

„ P. E J. RUSSELL.

„ W. H. SABBAGE.

1st Battalion, Great Indian Peninsula Railway Volunteer Rifle Corps.

Serjeant B. R. SKINNER.

„ M J. SMITH

Volunteer R H MENASSE.

„ P. SMYTH.

„ W A. STEPHENSON.

Moulmein Volunteer Rifles.

Corporal F. B LEGEOIS

Volunteer R A. HUTTON

„ P. WHITER

„ D SEBASTIAN

*Bombay Volunteer Rifles.*

Serjeant N GEOROE.

Cawnpore Volunteer Rifles.

Volunteer J. W. HOWE.

„ P. V. WAITE.

„ C. A WATTS.

*2nd Battalion, Bombay, Baroda and Central India Railway
Volunteer Rifles*

Colour-Serjeant A BELL.

Corporal W ABBOTT.

Volunteer W S. ATKINSON

" J A. L. HANVEY.

" J. A. HILL

" G LOBO

" A M. STEWART.

" A. H. ARMSTEAD. 

" L CATION,

" G P. DAVIS

" S. HARBOUR

" F. H. ROBERTS.

Rangoon Volunteer Rifles

Lance-Corporal P. G. BOUDVILLE

Rifleman G. ELLIS,

" P. A. MONTEIRO

Agra Volunteer Rifles.

Volunteer E. C. WALKER.

" E O WOOD

" S. W. ELDERFIELD

" J MULLINS

" W. J. GOODMAN

Sind Volunteer Rifles

Colour-Serjeant B P. BIRDIE

Serjeant R W. SLARK.

Lance-Serjeant MANEKJI CURSET.

Lance-Corporal HORMUSJI MUNCHERJI-
BHARUCHA.

Volunteer SETHNA ERACHSHAW RUSTOMJI.

„ KAIKHUSRU GOOVERJI KHAM-
BATTA

Oudh and Rohilkhand Railway Volunteer Rifles.

Corporal A E. MATCHER.

Volunteer W R IRVING.

Hyderabad Volunteer Rifles

Serjeant J. C TORRES

South Indian Railway Volunteer Rifles.

Lance-Corporal A KENT

Volunteer R CORNER

„ C E GILLON.

„ F M RAPSON

„ A SALISBURY

„ A E. J. TIMMS.

„ J. WATTS.

*1st Battalion, Madras and Southern Mahratta Railway
Rifles.*

Lance-Corporal F W. COCKBURN.

Volunteer W D'SILVA.

„ W. P. FANDERLINDEN.

„ S. HUNTER.

„ J. GIBBS

„ W. H. VIGNE

Upper Burma Volunteer Rifles.

Lieutenant C. B. SMALES.


1st Battalion, Bengal-Nagpur Railway Volunteer Rifle Corps.

Corporal H. H. MOORE.

Lance-Corporal C. BREWSTER.

Volunteer A. A. ROBB.

„ V. R. TULLY.

„ F. W. WOODHOUSE. *2nd (Presidency) Battalion, Calcutta Volunteer Rifles.*

Volunteer J. W. GASPER.

East Coast Volunteer Rifles.

Major W. S. LINDSAY.

Volunteer H. A. FURNELL.

„ W. HART.

„ J. R. KENT.

Eastern Bengal Volunteer Rifles.

Major F. W. NEEDHAM.

Volunteer T. E. HARDING.

Kolar Gold Fields Volunteers.

Major F. H. A. STEPHENSON.

Volunteer W. CARTER.

„ J. R. JONES.

F. J. AYLMER, Major-General

Adjutant-General

INDIA ARMY ORDERS

BY

10/12/15

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA

Army Headquarters, Simla, the 29th November 1915.

651. The London Gazette of the 27th, 28th, 29th and 30th October and 1st November 1915 were received at Army Headquarters on the 22nd November 1915

651

29th Nov,
1915.

~~652~~ Appointments—Regimental—The Commander-in-Chief is pleased to make the following appointments:

8c. *vacancies*—Major W J H Hunter, Double Lieutenant, to be Second-in-Command of *tem, vice* Colonel J J P Quinn, deceased; and to remain Vol

appointments—Erratum—In India Army Order of 1915, against the name of 911-Lieutenant *se, for* "9th August 1915," read "1st August

1st *For* enough and Leave—Warrant Officers—The Commandant warrant officer is granted an extension of 2 *his* leave in India on medical certificate under the rules of *3*

duct r R Kenny, Madras Miscellaneous List, temporarily attached to the Military Secretary's Branch, Army Headquarters, India

65. Engineers—Officers.—With the approval of the Army Department letter Right Hon'ble the Secretary of State for India, the Government of India have been pleased to sanction, *3. H. 1915, dated the 1st July 1915.*

655

27th Nov.
1915.

with effect from the commencement of the War, the grant to Royal Engineer officers awaiting admission to the Military Works Services, as well as to those who may hereafter be appointed to the Military Works Service, shall be available to officers on appointments vacated by officers absent on field service or employed under the War Office, subject to the limit of the sanctioned number of posts in the Military Works Services.

2 The officers thus paid will be regarded as on a temporary footing only and will revert to their former position on the return to India of the officers belonging to the present establishment unless in the meantime they succeed to vacancies on the cadre in the ordinary course.

656 Recruiting—Indian Army—With the approval of the Government of India, clause

Army Department letter
No 11833 dated 11th 8th
November 1915

(i) of India Army Order No 600 of 1914 is reconstructed as follows:—

“A British officer whenever possible, being allowed to accompany each recruiting party when more than 20 of a class are wanted. In the case of Artillery units, however, a British officer may accompany the recruiting party whenever more than 20 recruits are required whether this number is exclusively composed of one class or not. Travelling and detention allowances will be admissible to these officers as allowed for Assistant Recruiting Officers.”

657 Reports and Returns—With 377 of India Army Form Z 2000 the attention is invited to India Army Order No

reference to item
10 of all con-
d of 1914

658 Passages—Regulations—Warrior II, and their families

Army Department letter
No 250791 (QMG 1),
dated 11th November 1915
expense

second class accommodation will be granted to officers, class II, and their families entitled to passage when the public

659 Exchange—Foreign Money—With India Army Order No 393, dated 26th July 1915, notified for information that arrangements are

reference to
1915 at 11
lar to the

at Bombay for the exchange of English and French money have been introduced at the Karachi currency exchange in effect from the 11th October 1915

2. The rate of exchange now varies from 100 to 110 and French money will be accepted at the rate fixed by the Secretary of State.

660 Exchange on the Mexican Dollar.—The Hong Kong, that the official rate of exchange for the month of November 1915, will be nine pence and three farthings at Hong-Kong Stations.

661 Army Orders.—Attention is drawn to Order No 345, dated the 1st September 1915, Royal Artillery

662. Rewards—Good Conduct.—The Government is made to India Army Order No. 345, dated the 1st September 1915.

In the annexure, under Ordnance Department, Serjeant A. M. March, (2nd Battalion, Royal Indian Ordnance Department) and Serjeant A. M. March, (2nd Battalion, Royal Indian Ordnance Department)

663 British Army.—With reference to the 1st September 1915, the following is the list of the names of the officers who have been awarded the Victoria Cross.

664. Forms—Erratum.—Order No. 625 of 1915, in the issues of Army Form C-2121, the following is the correct form of the words "The Secretary of State"

J. M. W.

INDIA ARMY ORDERS

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.

Army Headquarters, Simla, the 6th December 1915

865. The London Gazettes of the 2nd, 3rd, 4th, 5th, 6th, 8th and 9th November 1915 were received at Army Headquarters on the 3rd December 1915.

665

6th Dec.
1915.

666. Appointments.—The Commander-in-Chief in India is pleased to make the following appointments:—

Major W. T. McCowen, I M S., to be Deputy Assistant Director of Medical Services, (Mobilization), 8th (Lucknow) Division, with effect from the 13th November 1915, *vice* Major W. H. Leonard, I M S., vacated.

Major F. W. Cotton, R.A.M.C., to be Deputy Assistant Director of Medical Services (Mobilization), 3rd (Lahore) Divisional Area, with effect from 5th November 1915.

Captain D. T. Richardson, R A M C., to charge of Brigade Laboratory, Colaba, with effect from 10th September 1915.

Lieutenant T. S. Jobson, 27th Light Cavalry, to be an Assistant Superintendent, Army Remount Department. Dated the 5th November 1915.

667. Appointments—Regimental.—The Commander-in-Chief in India is pleased to make the following appointments:—

16th Cavalry.—Lieutenant-Colonel C. E. Thornton, Second-in-Command, to be Commandant, *vice* Colonel (temporary Brigadier-General) H. L. Roberts, M.V.O., vacated. Dated 24th October 1915.

668

6th Dec.
1915

Lieutenant-Colonel H. C. Holman, C.M.G., D.S.O., Squadron Commander, to be Second-in-Command, *vice* Lieutenant-Colonel C. L. Thornton, appointed Commandant, and to remain in his present field service appointment.

2nd Battalion, 1st King George's Own Gurkha Rifles, (The Malaun Regiment).—Major A. B. Tillard, D.S.O., Double Company Commander, 1st Battalion, 3rd Queen Alexandra's Own Gurkha Rifles, to be Second-in-Command, to fill an existing vacancy, and to remain in his present field service appointment.

668 Military Works Services.—The undermentioned officers are confirmed in the appointment of Assistant Commanding Royal Engineer—

Lieutenant-Colonel T. C. Watson, V.C., R.E.

Lieutenant-Colonel A. H. B. Hume, R.E.

669. Queen Alexandra's Military Nursing Service for India.—Jane Gray, and appointed Nursing
915

670. Staff College, Quetta.—List of Graduates.—A list arranged in regimental order of the officers who have recently graduated at the Staff College, Quetta, is given below—

Rank and Name	Corps
Major A. D. MURRAY	Royal Garrison Artillery
Captain E. D. CARR-HARRIS	Royal Engineers
Major H. D. BELGRAVE	Royal West Kent Regiment.
Captain M. MAGNIAC	Lancashire Fusiliers

* Since deceased.

670—
6th Dec.
1915.

Rank and Name	Corps
Captain H B DIXON*	Nottingham and Derbyshire Regiment
Captain P L HANBURY	Shropshire Light Infantry
Captain G CASTER ..	6th Cavalry
Captain O G E WILLIAMS	Corps of Gurkhas
Captain H O WILMER*	14th Sikhs
Captain A G C HUTCHINSON	23rd Pioneers
Captain A M BROWN*	47th Sikhs
Captain M E S JOHNSON	45th Pioneers
Captain S B POPE	68th Rifles
Captain A D B MURRAY	50th Rifles
Bt Major B E ANDERSON	58th Rifles
Captain D W McPHERSON	62nd Punjabis
Captain N OGLE	67th Punjabis
Captain N E HOWELL	62nd Punjabis
Captain W G PALMER	113th Infantry
Captain F C WILSON	114th Mahrattas
Captain H L SCOTT	1st Gurkha Rifles
Captain C M T HOGG	4th Gurkha Rifles
Captain J D CROWDY	5th Gurkha Rifles
Captain R F CONINGHAM	10th Gurkha Rifles

668

6th Dec
1915

Lieutenant-Colonel H C Holman, CMG, DSO, Squadron Commander, to be Second in Command, vice Lieutenant Colonel C L Thurnton, appointed Commandant, and to remain in his present field service appointment

2nd Battalion, 1st King George's Own Gurkha Rifles, (The Malaun Regiment) —Major A B Tillard, DSO, Double Company Commander, 1st Battalion, 3rd Queen Alexandra's Own Gurkha Rifles, to be Second in-Command, to fill an existing vacancy, and to remain in his present field service appointment

668 Military Works Services —The undermentioned officers are confirmed in the appointment of Assistant Commanding Royal Engineer —

Lieutenant Colonel T C Watson, VC, RE

Lieutenant Colonel A H B Hume RE

669 Queen Alexandra's Military Nursing Service —Emma Jane Gray, and
been appointed Nursing
ber 1915

670 Staff College, Quetta—List of Graduates—A list arranged in regimental order of the officers who have recently graduated at the Staff College, Quetta, is given below —

Rank and Name	Corps
Major A D MURRAY	Royal Garrison Artillery
Captain F D CARR HARRIS *	Royal Engineers
Major H D BELGRAVE	Royal West Kent Regiment
Captain M MAGNIAO	Lancashire Fusiliers

* Since deceased

6th Dec.
1915.

Rank and Name	Corps.
Captain H B DIXON*	Notte and Derbyshire Regiment
Captain P L HANBURY	Shropshire Light Infantry
Captain G CRASTER ..	6th Cavalry
Captain G G E WYLLY V C	Corps of Guides
Captain H O WILMER*	14th Sikhs
Captain A G C HUTCHINSON	23rd Engineers
Captain A M BROWN*	47th Sikhs
Captain M E S JOHNSON	46th Pioneers.
Captain S B POPE	55th Rifles
Captain R D B MURRAY	50th Rifles
Bt Major B L ANDERSON	56th Rifles
Captain D W McPHERSON	62nd Punjabis
Captain N OGLE	67th Punjabis
Captain N F HOWELL	62nd Punjabis.
Captain W G PALMER	113th Infantry.
Captain P C WILSON	114th Infantry
Captain H L SCOTT	1st Gurkha Rifles
Captain C M T HOGG	4th Gurkha Rifles
Captain J D CPOWDY	5th Gurkha Rifles
Captain R P CONINGHAM ..	10th Gurkha Rifles

671 Rewards—Good Conduct —The following addition is made to the annexure to India Army Order No 680 of 6th Dec. 1915 :—

Against " Indian Subordinate Medical Department " add the name of ' 1st Class Assistant Surgeon, (now Senior Assistant Surgeon and Honorary Lieutenant) G. C F Holmes "

672 Army Orders — Attention is directed to Army Order No IX dated the 29th September 1915 — Rates of Exchange — Expeditionary Force

673 Pay and Allowances — It is notified for information that the revised rates of pay for majors of British Infantry on promotion, promulgated in Army Department No 57-11 (A G 1), dated 18th November 1915, India Army Order, No 13, dated the 11th January 1915, do not include home allowance, which is accordingly admissible for one charger, as a separate item, with effect from the 1st January 1914, the date from which the revised rates of pay had effect

674 Pay and Allowance — It is notified for information

Army Department No 57-11 (A G 1), dated 18th November 1915, War Office Army Orders and India Army Orders should be granted to dependants of members below commissioned rank of India Unattached List and Assistant Surgeon Branch of Subordinate Medical Branch who have proceeded on field service

675 Equipment—Silladar Cavalry—The Government of India have sanctioned with effect from the year 1916-17, the provision of the following stores for Silladar Cavalry Regiments—

	No.
(a) Felt, per mouth reversible	12
Collars, head, Mark II	12
Head, bridle	12
Reins, bit	12
Straps bit attachment	14

(b) 10 sets of Pack saddlery, G. S. I. P.

The articles at (a) above are for use as leading gear for the 12 horses used for carrying the machine guns, and will be borne on charge as peace and mobilization equipment

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The Packsaddlery is for the 8 grass mules used for the carriage of intrenching tools and pioneer equipment, and for the 2 grass mules required to complete the spare mules on service to 10 per cent. This will be borne on charge as mobilization equipment.

676 Ammunition—Rates to be charged for pay-
uppossession of India
rates chargeable to
ammunition issued
an annexure to the
order

677 Military Training.—It has been decided that no memoranda on the training of the army in India, for 1914-15, will be issued.

678 Legal and Judicial — It is notified for information that all departmental warrant officers on the retired list, — — — — — will take
depa — — — — — warran
office — — — — — 1914

679. **Passages—Regulations**—The following correction to Army Regulations, India Volume X, has been approved.

Army Department letter No 15064-1 (Q M G. 1), dated 20th November 1915

Paragraph 42 is *reconstructed* as under,—

"49. A 7 03 1 1 0 0

II

11

11

at the Government rate for the accommodation to which he is entitled. Those entitled to return

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passage, will be granted the cost of the return ticket unless passage by a Government vessel is available for the return voyage. Except in the case of general officers travelling on inspection duty which cannot be conveniently arranged to fit in with the sailings of the British India Steam Navigation Company's ships, such journeys must be made by British India Steam Navigation Company's ship and claims for passage money will be supported by a certificate to that effect.

680 Pay and Allowances: *Corrigendum* — For the authority quoted in the aforesaid India Army Order No 583 of 1915, *see* Army Department letter No 8148, dated 1st October 1915.

681 Forms — The following form has been introduced —

India Army Form K-1162-A Enrolment form, Combatants, special for the period of the war

With reference to India Army Order No 702 of 1914, this form will be taken into use for enlistments in the Indian Army for the period of the war, and will be issued as required

The following forms have been revised —

India Army Form A 986 Ordinary Indian family pension or gratuity claim

In the Instructions on the reverse of the form —

In paragraph 1, for "I A F L 923" substitute "I A F. A-393"

Expunge paragraph 5, and re-number paragraph 6 as 5

The amendments should be carried out in manuscript

India Army Form G-1094 Musketry prize statement, Indian Army.

Under the heading "The prize grants are," in item (c) after the words "Military Railway Companies" add "Defence Light Sections and"

The amendment should be carried out in manuscript

The following form has been cancelled :—

India Army Form A -769. Comparison of military receipts and expenditure with budget proportion, (Divisional).

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The following corrections are made to India Army Form Z -2001 :—

Pages 68 and 69.—Delete A-769 and all connected entries.

Pages 90 and 91 Insert —

K-1162-A. ~~SG.~~

Enrolment form, Combatants, special for the period of the war.

and in the Remarks column " Issued as required "

J. M. WALTER, *Brigadier-General,*
Adjutant General in India.

ANNEXURE TO INDIA ARMY ORDER No. 878 OF 1915.

Rates chargeable for small arm ammunition on payment.

Description of ammunition	Per	RATES CHARGEABLE TO—	
		Troops	Officers and others.
Caps, percussion, service	1,000	3 8 0	4 0 0
Cartridges, 24-lb., B F, No 1	"	2 8 0	11 0 0
Cartridges, small arm—			
Ball—			
303-inch, Mark VI	" (a)	25 0 0	68 0 0
	(b)	52 0 0	
M H rifle rolled case	"	59 0 0	77 0 0
Do solid case	"	81 0 0	110 0 0
M H carbine, rolled case	"	59 0 0	77 0 0
Pistol, Wabley, Mark II	"	31 0 0	45 0 0
Snider	"	33 0 0	50 0 0
B L S B, Mark II	"	32 0 0	42 0 0
Do 476 bore	"	47 0 0	62 0 0
M. L., 3 drachms 656 bore	"	33 0 0	51 0 0
Do 2½ drachms	"	26 0 0	34 0 0

(a) Half price up to a yearly limit of—

18,700 rounds per battalion of Infantry or Regiment of Cavalry in the case of British Troops.

12,100 rounds per Battalion of Infantry, Regiment of Cavalry or Corps of Sappers and Miners in the case of Indian Troops armed with 303-inch arms

400 rounds per 100 men or fraction of 100 men in the case of batteries of Royal Artillery in India.

100 rounds per Volunteer and 50 rounds per Volunteer Reservist

(b) Full price in excess of the above

Description of ammunition	Per	RATES CHARGEABLE TO—	
		Troops	Officers and others
Cartridges small arm—			
Blank—			
M H or Snider rifle or carbine Mark IV	1 000	30 0 0	30 0 0
303 inch without bullet Mark V	"	30 0 0	30 0 0
Pistol, Webley Mark II	"	47 0 0	50 0 0
Do. do powder I P Mark I	"	23 0 0	30 0 0
M L 2½ drachms		24 0 0	31 0 0
Buckshot—			
B L 476 bore		54 0 0	71 0 0
Snider I P Mark II		43 0 0	56 0 0
M H. do.	"	52 0 0	63 0 0
M L. 3 drachms	"	61 0 0	60 0 0
M L. 2½ drachms		50 0 0	66 0 0
Dummy Drill 303 inch rifle or carbines I P Mark I		27 0 0	35 0 0
Dummy Inspectors Mark III		43 0 0	63 0 0
Chargers 303 inch cartridges Marks I and II		16 0 0	21 0 0
Gunpowder R F G	100 lbs	64 0 0	81 0 0

J M WALTER, *Brigadier-General,*
Adjutant General in India

INDIA ARMY ORDER

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA*Army Headquarters, Simla, the 2nd December 1915*

Complimentary—His Excellency the Commander-in-Chief directs the publication of the message below from His Majesty the King-Emperor to the troops of the Indian Army Corps leaving France which was delivered by His Royal Highness the Prince of Wales on November 26th

‘ Officers, non-commissioned officers and men of the Indian Army Corps, more than a year ago I summoned you from India to fight for the safety of my Empire and the honour of my pledged word on the battlefields of Belgium and France. The confidence which I then expressed in your sense of duty, your courage and your chivalry, you have since then nobly justified

I now require your services in another field of action, but before you leave France I send my dear and gallant son the Prince of Wales, who has shared with my armies the dangers and hardships of the campaign, to thank you in my name for your services and to express to you my satisfaction

British and Indian comrades in arms yours has been a fellowship in toils and hardships, in courage and endurance, often against great odds, in deeds nobly done in days of ever memorable conflict. In a warfare waged under new conditions and in peculiarly trying circumstances you have worthily upheld the honour of the Empire and great traditions of my Army in India

I have followed your fortunes with deepest interest and watched your gallant actions with pride and satisfaction. I mourn with you the loss of many gallant officers and men. Let it be your consolation, as it was their pride, that they freely gave their lives in a just cause for the honour of their Sovereign and the safety of my Empire. They died as gallant soldiers, and I shall ever hold their sacrifice in grateful remembrance

You leave France with a just pride in the honour of deeds already achieved and with my assurance of confidence that your proved valour and experience will contribute to further victories in the fields of action to which you go

I pray God to bless and guard you and to bring you back safely, when the final victory is won, each to his own home—there to be welcomed with honour among his own people'

J M WALTER, *Brigadier-General,*
Adjutant General in India

INDIA ARMY ORDER

BY

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.**

Army Headquarters, Simla, the 3rd December 1915

National Health Insurance—1 From 3rd January 1916 (the commencement of the next insurance half year), stamps and cards will cease to be used for insurance contributions of soldiers, but all stamping outstanding for any period before that date will be completed.

2 The procedure for recording the contributions will then be as follows —

1—Soldiers other than those serving with the Expeditionary Forces.

(a) The soldier's contribution (1½d for each week) will be recovered from him by a stoppage through the pay and mess book, India Army Form A-1, or A-1(a).

(b) The deductions will be made by account periods, and one entry will be made in the appropriate column for each insurance man, representing the contributions for each week on the Monday of which he is in the payment of the company.

(c) The total of the stoppages for contributions will be shown on the credit side of the Statement of Receipts and Expenditure (Form S) under the head "(2) Health Insurance Contributions," and, as the money is not actually paid by the company officer, a contra entry will be made on the Dr. side under "(3) Other items due to the public." "National Health Insurance Commission." The pay and mess book [India Army Form A-1, or A-1(a)] will be suitably amended when reprinted.

(d) It will not be necessary for company, etc., commanders to make any entry in Form 3, Statement of Receipts and Expenditure of the pay and mess book in respect of the portion of the Health Insurance contribution payable by the Government of India.

(e) In cases where a pay and mess book is not used, the stoppages for contributions will be dealt with similarly through the pay list or pay bill.

(f) The total amount of stoppages as shewn on the debit side of the Statement of Receipts and Expenditure, Form 3, [vide clause (c) above] will be credited by the Divisional Disbursing Officer as a receipt under the head "His Majesty's Indian Government, London," "National Health Insurance Contribution" in the Abstract of Receipts and Charges, India Army Form A-651.

An equivalent amount on account of the Government contribution will then be charged in the same form under the head "Government Contribution, National Health Insurance" and a *per contra* credit taken on the receipt side under a similar head. These credits will in the ordinary course be passed on to His Majesty's Indian Government and in support thereof a list of the contributors should be sent in the first instance, any modifications thereto being intimated with subsequent remittances.

This list, which should also shew the amount of the remittance, should be endorsed with a certificate to the effect that the amount remitted represents the total contribution payable for all insured men under this section.

II — *Soldiers serving with the Expeditionary Forces.*

(a) The insurance of soldiers serving with the Indian Expeditionary Forces will continue to be dealt with by the Disbursing Officer at the Base, who will charge the amount of the contribution against each soldier's pay account.

(b) When a soldier proceeds to an Expeditionary Force, a note of the date to which recovery has been made through the pay and mess book will be made in his pay account, in order that the charge in the end of the half year may be correctly assessed. When he returns from an Expeditionary Force recovery for the broken period will be made in his pay

account from the beginning of the half year up to the date from which deductions begin to be made in the pay and mess book (or pay list if there is no pay and mess book) of the unit to which he is attached for pay. In the case of a soldier becoming non effective, recovery will be made in the month in which the soldier's pay account is closed. In all other cases recovery will be made half yearly at 30th June and 31st December.

(c) The totals of the amounts recovered from the soldiers, together with the Government of India contribution, will be dealt with as in paragraph (2) (I) (f).

III — General

3 All unused insurance stamps in possession of company, etc., officers will be returned to Treasuries, who will give credit for the full value.

4 All unstamped cards will be wasted. In the exceptional case where blank cards have been used for any period before 3rd January 1915, the company, etc., commander should apply for a card specially to Army Headquarters.

IV — Recruits

5 Officers commanding companies, etc., will take steps to insure that each recruit on first joining is furnished with a special postcard (Army Form O 1847), on which he should report his enlistment to the society of which he is a member, or if he is not a member of a society to the Insurance Commissioners, London S W.

Applications for supplies of Army Form O-1847 should be addressed to the Contractors for Printing Government of India Forms, Calcutta.

6 Any recruit specially enlisted for the period of the war in the New Armies, or any recruit in the Territorial Force, who was not insured before enlistment will be given an opportunity for exercising his option to remain uninsured (*see* Army Order 378 of 1913). If he elects to remain uninsured he should write across the front of the postcard (Army Form O-1847), 'Not insured. Do not wish to be insured', add his signature and return the card to the company, etc.,

commander, who will send it to the Insurance Commissioners London, S W [This cancels paragraph 7 of the memoranda attached to Adjutant General's letter No 25860 1 (A G I) dated the 27th February 1915, to all General Officers Commanding Divisions, Divisional Areas and Independent Brigades]

V — Discharge, desertion or death

7 *Discharge* — In order to ensure that the soldier on discharge is in a position to claim the benefits to which he is entitled under the Insurance Act, it is necessary that he shall have documentary proof that contributions have been paid during his period of service. The stamped card formerly handed to him on discharge provided this purpose. As this will not be available in future a separate card has been designed (Army Form O 1845) showing briefly the period of his service and that insurance has been paid up to the date of discharge. These cards will be prepared by the officer commanding the company, etc., in every case in which a man has been insured during service, and send with the man's last pay certificate (India Army Form A 443) to the Divisional Disbursing Officer for transmission to the officer carrying out the discharge, to be passed to the soldier with the discharge certificate (Army Form B 2079). A card will not be issued in the case of a man who was not insured before enlistment and has elected to remain uninsured during service.

8 *Death or desertion* — Similar cards (Army Form O 1844) will be prepared by the officer commanding the company, etc., directly the death or desertion of a soldier is notified, and forwarded through the Divisional Disbursing Officer to the Insurance Commissioners London S W.

VI — Exemptions

9 Any exemption claimed under paragraph 6 of this India Army Order or under regulations previously in force will be noted against the soldier's name in the pay and mess book (or pay list or pay bill if there is no pay and mess book) of the company, etc., with which he is serving, if not forming part of an Expeditionary Force.

10 If the soldier is transferred the exemption will be noted on India Army Form A-443, for the information of his new company, etc, commander.

11. In all cases the exemption will be conspicuously recorded in the pay and mess book and pay list [India Army Forms A-1, or A-1(a) and A-8 or A-9]

VII.—Amendments to the Provisional Regulations for the Application of the National Health Insurance Act to Serving Soldiers in India

Paragraph 9—The clauses beginning "In the case of men on the Unattached List" and "In the case of men employed in the Civil or Public Works Department" are cancelled ~~and~~ the following substituted —

"In the case of men on the Unattached List or employed in the Military, Civil and Public Works Departments, the man's contribution of 1½d per week will be deducted from his pay and this sum *plus* a further sum of ½d per week, representing the contribution payable by the Government of India will be remitted in the usual course to His Majesty's Indian Government".

In the clause beginning "In the case of men sent to England for discharge", *after* the comma after "certificates" in line 4 into a full stop, and *delete* the remainder of the clause.

For the last clause of this paragraph *substitute* the following "In all cases of men sent to England, whether on furlough or for discharge or transfer to the Army Reserve, arrangements will be made to deduct contributions up to and for the week in which the men disembark in England. In the case, however, of Indo-Colonial reliefs or any other in which the pay for the period of the voyage is borne by Imperial revenues, contributions will only be made up to and for the week in which the men embark". Further amendments to the above Regulations will be made in due course

J. M. WALTER, *Brigadier-General,*
Adjutant-General in India.

INDIA ARMY ORDERS

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA*Army Headquarters, Simla, the 13th December 1915*

682 The London Gazettes of the 10th, 11th, 12th, 13th, 15th, 16th and 17th November 1915 were received at Army Headquarters on the 7th December 1915

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683 Appointments—The Commander-in-Chief in India is pleased to make the following appointments—

Brigadier General J MacN Walter, D S O, British Service to be temporary Adjutant General in India vice Major General I J Aylmer V C, C B, British Service Dated 25th November 1915

Lieutenant M L Trescon I M S, to be Specialist in Advanced Operative Surgery, with effect from 11th November 1915

684 Appointments—The Commander in Chief in India is pleased to make the following temporary appointments—

Second Lieutenants P B Backhouse and R O Hagan, Indian Army Reserve of Officers (attached to the Supply and Transport Corps, to be Supply and Transport Officers, 5th Class with effect from the 16th November 1915

685 Leave—The unmentioned officer is granted leave in India—

Lieutenant Colonel C Bailey, Indian Army, temporary Assistant Quartermaster-General, for 2 months and 12 days on medical certificate under Army Department letter No H-4774 dated the 10th May 1915

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13th Dec.
1915.

***686 Complimentary**—His Excellency the Commander in Chief directs the publication of the message below from His Majesty the King-Emperor to the troops of the Indian Army Corps leaving France which was delivered by His Royal Highness the Prince of Wales on November 26th

"Officers, non-commissioned officers and men of the Indian Army Corps more than a year ago I summoned you from India to fight for the safety of my Empire and the honour of my pledged word on the battlefields of Belgium and France. The confidence which I then expressed in your sense of duty, your courage and your chivalry, you have since then nobly justified.

I now rejoin your services in another field of action, but before you leave France I send my dear and gallant son the Prince of Wales, who has shared with my relatives the dangers and hardships of the campaign, to thank you in my name for your services and to express to you my satisfaction.

British and Indian comrades in arms yours has been a fellowship in toils and hardships, in courage and endurance often against great odds in deeds nobly done in days of ever memorable conflict. In a warfare waged under new conditions and in peculiarly trying circumstances you have worthily upheld the honour of the Empire and great traditions of my Army in India.

I have followed your fortunes with deepest interest and watched your gallant actions with pride and satisfaction. I mourn with you the loss of many gallant officers and men. Let it be your consolation as it was their pride that they freely gave their lives in a just cause for the honour of their Sovereign and the safety of my Empire. They died as gallant soldiers and I shall ever hold their sacrifice in grateful remembrance.

You leave France with a just pride in the honour of deeds already achieved and with my assurance of confidence that your proved valour and experience will contribute to further victories in the fields of action to which you go.

I pray God to bless and guard you and to bring you back safely, when the final victory is won, each to his own home—there to be welcomed with honour among his own people."

* Issued as a Special India Army Order dated the 2nd December 1915

687 Volunteer Long Service Medal—The following additions are made to the annexure to India Army Order No 641 of 1915 —

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Under ' East Indian Railway Volunteer Rifles ' insert the name of " Volunteer P G Pereira "

Below " Sind Volunteer Rifles," insert ' 1st Battalion, North Western Railway Volunteer Rifles," and add the name of " Volunteer J F Rittman "

688 Pay and Allowances—In continuation of India Army Order No 392 of 1915 it is notified for information that, with the approval of the Army Department letter No H 9169 dated 17th November 1915 Right Hon'ble the Secretary of State for India, the Government of India have sanctioned the grant of a special allowance of one rupee per diem to Lieutenants Royal Army Medical Corps, Territorial Force and Special Reserve, while actually within Indian limits, with effect from the dates on which these officers landed in this country

689 Pay and Allowances—It is notified for information that with reference to India Army Orders Nos 75 and 3 of 1915, sick or wounded officers H 9163 dated 1st 10th No are entitled for three months, to the full pay they were drawing before being struck off duty. If an officer was holding an officiating or field appointment at the time of being struck off duty, the pay of such appointment is admissible for three months.

690 Pay and Allowances—India Army Order No 615 of 1915 is hereby cancelled and the following substituted —

It is notified for information that the War Office have agreed to the issue of field allowance (under the same conditions as laid down for warrant officers of units on British pay) to warrant officers class I and II, British units serving with the Indian Expeditionary Forces. The allowance will be admissible from the date of embarkation for active service, or from date of appointment, if later. In the case of warrant officers class II, the allowance will not be admissible before the date of the creation of that rank.

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Bands and Messes—It is notified for information that the Government of India have sanctioned the grant of the following mess allowances in addition to those specified in paragraph 284, Army Regulations, India Volume I —

(a) British Cavalry and British Infantry Regiments —

For each officer of the Indian Army Reserve present —Rs 10 per mensem

(b) Depôts of British Cavalry and British Infantry Regiments on service —

For each officer present in excess of two—Rs 10 per mensem

(c) Indian Cavalry and Indian Infantry Regiments in India —

For each officer present in excess of 1½ (including the Medical Officer)—Rs 10 per mensem subject to a maximum of Rs 150 per mensem

(d) Depôts of Indian Cavalry, Sappers and Miners and Indian Infantry Regiments on service —

For each officer present in excess of two—Rs 10 per mensem

2 These allowances will be admissible with effect from the 4th August 1914, and for the duration of the war

692 **Engineers—Mobilization**—The following table showing the establishment of Indian ranks of the 1st King George's Own Sappers and Miners is issued in substitution of that promulgated with India Army Order No 621 of 1915

Army Department letter
No H 5-177 dated 26th
November 1915

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1st King George's Own Sappers and Miners (Indian ranks only).

Ranks	ESTABLISHMENT IN INDIA.				ESTABLISHMENT ON ACTIVE SERVICE						Grand total of corps in and out of India.	Establishment, 1st Army, 19th October 1915	Footnote	a. 1. Supernumerary to establishment	Temporary increase of Sappers and Miners, Army Detachment letter No. 11-205 dated 19th December 1914.
	3 Field Companies plus 1 detail.	Defence light sections	Bridging trials	Total	2 Field Companies	1 Field Troop	2 Printing Sections	3 Photo Lino	1 Field Company	1 Bridging trials	Total on active service				
Riflemen	7	1		7	2	2			1	1	2	10		1	
Drummers	14	2		16	4	2			2	2	6	25		1	
Stewards	42	2	1	45	1	2			6	2	22	67		1	
Wagoners	0	4	1	5	20	2			10	2	32	103		1	
Porters	102	173	0	1113	300	60	8	8	160	40	238	1860		29	
Engineers and Telegraphers	16	2		18	4				8		6	70		20	
Watchmen	7	1		7	2				2		3	10		10	
Master Gunners	7	1		7	2				1		3	10		0	
Mail Drivers	7	1		7	2				1		3	10		0	
Drivers	172	42	22	172	26	66	8	8	18		41	176		176	
Total	1719	42	22	1413	364	66	8	8	102	45	493	2106		2075	31

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3th Dec.
1915.

693 Passages—Regulations—Civilian gazetted

Army Department No H 8711 dated 23rd October 1915 and No H 8-32, dated 20th November 1915. officers of civil departments, including the Military Accounts Department, invalided from field service overseas, will be granted free passage on warrant to the station in India to which they are sent, and when returning therefrom on recovery or rejoining their appointments.

The case of civilian subordinates of the departments referred to, will be governed by paragraph 83 (w), Army Regulations, India, Volume X

*694 National Health Insurance.—1 From 3rd January 1916 (the commencement of the next insurance half-year), stamps and cards will cease to be used for insurance contributions of soldiers, but all stamping outstanding for any period before that date will be completed

2 The procedure for recording the contributions will then be as follows —

I—Soldiers other than those serving with the Expeditionary Forces

(a) The soldier's contribution (1½d for each week) will be recovered from him by a stoppage through the pay and mess book India Army Form A 1, or A 1(a)

(b) The deductions will be made by account periods, and one entry will be made in the appropriate column for each insured man, representing the contributions for each week on the Monday of which he is in the payment of the company

(c) The total of the stoppages for contributions will be shown on the credit side of the Statement of Receipts and Expenditure (Form 3) under the head "(2) Health Insurance Contributions," and, as the money is not actually paid by the company officer, a contra entry will be made on the Dr side under "(3) Other items due to the public" "National Health Insurance Commission" The pay and mess book [India Army Form A -1, or A -1 (a)] will be suitably amended when reprinted

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(2) It will not be necessary for company, etc., commanders to make any entry in Form 3, Statement of Receipts and Expenditure of the pay and mess book in respect of the portion of the Health Insurance contribution payable by the Government of India.

(e) In cases where a pay and mess book is not used, the stoppages for contributions will be dealt with similarly through the pay list or pay bill.

(f) The total amount of stoppages as shewn on the debit side of the Statement of Receipts and Expenditure, Form 3, [vide clause (c) above] will be credited by the Divisional Disbursing Officer as a receipt under the head "His Majesty's Indian Government, London" "National Health Insurance Contribution" in the Abstract of Receipts and Charges, ~~Form~~ Army Form A 651.

An equivalent amount on account of the Government contribution will then be charged in the same form under the head "Government Contribution, National Health Insurance" and a *per contra* credit taken on the receipt side under a similar head. These credits will in the ordinary course be passed on to His Majesty's Indian Government and in support thereof a list of the contributors should be sent in the first instance, any modifications thereto being intimated with subsequent remittances.

This list, which should also shew the amount of the remittance that is payable

11. ~~Soldiers~~ *Soldiers serving with the Expeditionary Forces*

(a) The insurance of soldiers serving with the Indian Expeditionary Forces will continue to be dealt with by the Disbursing Officer at the Base, who will charge the amount of the contribution against each soldier's pay account.

(b) When a soldier proceeds to an Expeditionary Force, a note of the date at which service has been made through the pay and mess book will be made in his pay account, in order that the charge for a period of the half year may be correctly assessed. When he returns from an Expeditionary Force service for the taken period will be made in his pay

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account from the beginning of the half year up to the date from which deductions begin to be made in the pay and mess book (or pay list if there is no pay and mess book) of the unit to which he is attached for pay. In the case of a soldier becoming non-effective, recovery will be made in the month in which the soldier's pay account is closed. In all other cases recovery will be made half-yearly at 30th June and 31st December.

(c) The totals of the amounts recovered from the soldiers, together with the Government of India contribution, will be dealt with as in paragraph (2) (I) (f)

III — General

3 All unused insurance stamps in possession of company, etc, officers will be returned to Treasuries, which give credit for the full value

4 All unstamped cards will be wasted. In the exceptional case where it is found, after the blank cards have been disposed of that contributions due for any period before 3rd January 1916, have not been paid, the company, etc, commander should apply for a card specially to Army Headquarters

IV — Recruits

5 Officers commanding companies, etc, will take steps to insure that every recruit on first joining is furnished with a special postcard (Army Form O 1847), on which he should report his enlistment to the society of which he is a member, or if he is not a member of a society to the Insurance Commissioners, London S W

Applications for supplies of Army Form O-1847 should be addressed to the Contractors for Printing Government of India Forms, Calcutta

6 Any recruit specially enlisted for the period of the war in the New Armies, or any recruit in the Territorial Force, who was not insured before enlistment will be given an opportunity for exercising his option to remain uninsured (see Army Order 378 of 1914). If he elects to remain uninsured he should write across the front of the postcard (Army Form O 1847), 'Not insured. Do not wish to be insured', add his signature and return the card to the company, etc,

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commander, who will send it to the Insurance Commissioners, London, S W [This cancels paragraph 7 of the memorandum attached to Adjutant General's letter No 25860-1 (S G-1), dated the 27th February 1915, to all General Officers Commanding Divisions, Divisional Areas and Independent Brigades]

V — Discharge, desertion or death

7 *Discharge* — In order to ensure that the soldier on discharge is in a position to claim the benefits to which he is entitled under the Insurance Act, it is necessary that he shall have documentary proof that contributions have been paid during his period of service. The stamped card formerly handed to him on discharge provided this evidence. As this will not be available in future a separate card has been designed (Army Form O 1845) showing briefly the period of his service and that insurance has been paid up to the date of discharge. These cards will be prepared by the officer commanding the company, etc., in every case in which a man has been insured during service, and sent with the man's last pay certificate (India Army Form A 143) to the Divisional Disbursing Officer for transmission to the officer carrying out the discharge, to be passed to the soldier with the discharge certificate (Army Form B 2079). A card will not be issued in the case of a man who was not insured before enlistment and has elected to remain uninsured during service.

8 *Death or desertion* — Similar cards (Army Form O 1844) will be prepared by the officer commanding the company on direct or indirect death or desertion of a soldier notified, and forwarded through the Divisional Disbursing Officer to the Insurance Commissioners, London, S W.

VI — Expenses

9. Any expenditure claimed under paragraph 6 of this India Army Order or under regulations previously in force will be entered against the soldier's name in the pay and mess book (or pay list or pay bill if there is no pay and mess book) of the company, etc., with which he is serving, if not forming part of an expeditionary force.

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1915.

10 If the soldier is transferred the exemption will be noted on India Army Form A 143, for the information of his new company etc as man 31

11. In all cases the exemption will be conscientiously recorded in the pay and mess ledger and pay list [India Army Forms A-1, or A-1(a) and A-8 or A 9]

VII—Amendments to the Provisional Regulations for the Application of the National Health Insurance Act to Serving Soldiers in India

Paragraph 9.—The clauses beginning "In the case of men on the Unattached List" and "In the case of men employed in the Civil or Public Works Department" are cancelled and the following substituted—

"In the case of men on the Unattached List employed in the Military, Civil and Public Works Departments, the man's contribution of 1½d per week will be deducted from his pay and this sum plus a further sum of ½d per week, representing the contribution payable by the Government of India will be remitted in the usual course to His Majesty's Indian Government"

In the clause beginning "In the case of men sent to England for discharge", alter the comma after "certificates" in line 4 into a full stop, and delete the remainder of the clause

For the last clause of this paragraph substitute the following "In all cases of men sent to England, whether on furlough or for discharge or transfer to the Army Reserve, arrangements will be made to deduct contributions up to and for the week in which the men disembark in England. In the case, however, of Indo Colonial reliefs or any other in which the pay for the period of the voyage is borne by Imperial revenues contributions will only be made up to and for the week in which the men embark." Further amendments to the above Regulations will be made in due course

J M WALTER, *Brigadier-General,*
Adjutant-General in India

INDIA ARMY ORDER

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA*Army Headquarters, Simla, the 20th December 1915*695 Appointments—The Commander in Chief in India
is pleased to make the following appointments—

695

20th Dec.
1915Colonel D St J D Grant I M S to be Assistant Director,
Medical Service 6th (Poona) Divisional Area, with
effect from the 27th November 1915Colonel W F Mould to be Assistant Director Medical
Services 1th (Quetta) Division with effect from the 28th
November 1915Major L Cook I M S to be Specialist in Advanced
Operative Surgery with effect from the 22nd November
1915696 Appointments—The Commander in Chief in India
is pleased to make the following temporary appointments—Lieutenant B M C Tyler, Indian Army Reserve of
Officers (attached to the Supply and Transport Corps) to be
Supply and Transport Officer, 5th Class with effect from
the 15th November 1915Lieutenant J P Kennedy, Indian Army Reserve of
Officers, attached to the Supply and Transport Corps, to be
Supply and Transport Officer 5th Class with effect from
the 20th November 1915

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20th Dec
1915.

OUR WILL AND PLEASURE is that, notwithstanding any thing contained in the Regulations made under the Warrant of Her late Majesty Queen Victoria, dated the 30th day of August 1893, as amended by subsequent Warrants, the following Regulations shall have effect until Our further Will and Pleasure is made known —

1 In the case of active service the Commander in Chief of Our Forces in any area of operations may appoint a standing base or other convenient place to deal with the local casualties dying in or through the campaign which subject to military law, in lieu of any Committee of Adjustment already provided by the Regulations

2 The operations of such a Committee may include any of the duties already imposed upon Committees of Adjustment by the Regulations or may be limited to—

- (a) Securing the effects of the deceased in the said area,
- (b) Ascertaining the amount of preferential charges on the property of the deceased,
- (c) Paying the preferential charges or local debts as far as practicable out of any cash belonging to the deceased's estate,
- (d) Transmitting any balance of cash to the Paymaster,
- (e) Transmitting any articles of personal property for custody to such place as the Secretary of State may approve or direct
- (f) Rendering a report to the Secretary of State through the Paymaster showing what action has been taken by them and what preferential charges or debts known to them have been paid or left unpaid, with a view to payment being made or secured if necessary

The operations of the Committee may be still further limited if necessary

3 In such case the Paymaster may pay out of any sums coming into his hands or under his control due to the deceased's estate any preferential charges or local debts left

20th Dec
1915.

unpaid by the Committee, and shall remit or credit any balance remaining to or as directed by the Secretary of State for War, the Secretary of State for India in Council, the Secretary of State for the Colonies or the Secretary to the Government of India in the Army Department, as the case may require or as may be directed, and shall at the same time render a statement of the transactions which have taken place in the case and forward the report of the Committee of Adjustment.

4 The power of appointing a standing Committee given by these Regulations shall not affect the power of appointing Committees of Adjustment in accordance with the former Regulations where thought fit.

5 Any standing Committee appointed under these Regulations may at any time be dissolved by the Commander in Chief, and the nature of its operations may from time to time be altered or defined by him.

6 The former Regulations shall apply to any standing Committee of Adjustment appointed under these Regulations save in so far as may be inconsistent with these Regulations.

7 Where within the area of operations any person subject to military law deserts or is found in the prescribed manner to be insane these Regulations shall apply in the same manner as if he had died in or through the campaign at the time of his desertion or in sanity as the case may be.

Given at Our Court at St James', this 10th day of April 1915, in the 5th year of Our Reign

By His Majesty's Command

KITCHEN-LR.

Subsidiary Instructions to the Loyal Warrant, to meet the requirements of India

With regard to paragraph 2 —

(1) Any balance of cash of the deceased's estate will be transmitted to the Field Disbursing Officer.

(2) Any articles of personal property will, in the case of deceased persons serving with the Overseas Expeditionary Forces except Force 'A' be disposed of at the discretion of the Committee of Adjustment.

701

20th Dec.
1915

- (7) With the exception of Expeditionary Force 'A,' the report of Overseas Expeditionary Forces will be made to the Secretary to the Government of India in the Army Department, through the Field Disbursing Officer

2 As regards paragraph 3 —

"Field Disbursing Officer" will be substituted for "Paymaster"

3 The disposal in India of estates real and personal of British Officers Warrant and Non Commissioned Officers and men, who die on Active Service out of India, will continue to be governed by the regulations under the Regimental Debts Act of 1893

4 There will be no change in the existing procedure with respect to the estates of British Officers Warrant and Non-Commissioned Officers and men who die in India

701 Pay and Allowances—Proficiency Pay—In view of the impracticability of carrying out the regulation tests for qualification for Class I proficiency pay under active service conditions, it has been decided, that in the case of troops serving with Indian Forces on full service the classification of service shall be as per G.O. 10,000, King's Regulations, Army Regulations, with effect from the period of the proficiency shall be issued by commanding officers)

2. All non commissioned officers who are not qualified by rank for Class I proficiency pay, and all men eligible by reason of length of service to receive proficiency pay, and also those who will complete their service qualification before the 1st May of the following year will be rated by their commanding officers at convenient dates between 1st May and 30th September (for 1915-16 this date may be extended to 31st January 1916) at the rate of 100 per cent of the Army List A-18 rate of their commanding higher rate. In for will take as his rate

arm of the service on active service. The qualification of all men already in receipt of the Class I rate will also be reviewed and only those whom the commanding officer considers fit to retain the rate will be included in the list. Men in receipt of Class I service pay will be similarly dealt with, the remainder will be classed as Class 2.

3. A man will not be certified by his commanding officer as qualified for Class I proficiency pay until he has completed 2 months' service in his unit. A special certificate will be given in the case of men who in consequence of this rule have not been rated by the 30th September, when they have been 2 months in the unit.

4. Those who are certified as qualified for Class I will draw that rate as from 1st July in the year in which the certificate is given provided that they had then completed 2 years' service (including war service as defined in Army Order No. 96 of 1915 and India Army Order No. 201 of 1915). If not so qualified on the 1st July they will draw the higher rate from the date of completion of 2 years' service. Similarly those who have been in receipt of the Class I rate and are not certified as qualified will revert to the lower rate, Class 2, as from the 1st

703
20th Dec.
1915

703 Pay and Allowances—India Army Order No 320 of 1915 is hereby cancelled and the following substituted —

It is notified that the Government of India have decided that British Army reservists who were employed in Civil Government Departments including State Railways and who have been recalled to the colours shall, if desired, be allowed the pecuniary benefit of any privilege leave due to them under civil rules, and that their pay and allowances shall be regulated as follows —

Army Department No
H 1384 dated 2th Nov
ember 1915

If while in India—Privilege leave pay up to the date of embarkation, or to the amount due, plus army pay and allowances, including separation allowance if admissible under army rules

If while on service out of India or on completion of privilege leave period if then in India—Furlough pay of permanent civil appointment plus army pay and allowance, including separation allowance if admissible under army rules

704 Quarters—Warrant and Non-Commissioned Officers—The Government of India have decided* that the

*Army Department letter
No 27518-1 (QMG 3)
dated 27th November 1916

proportion of class D quarters to be provided for the subordinates of Ordnance Factories should be the same as that of Class B quarters, as laid down in Army Regulations, India, Volume XII, Appendix V, item 8.

2 The necessary amendments to the regulations will be made in due course

705 Legal and Judicial—The attention of all concerned is invited to the fact that paragraph 493 (iii a) and (iii b), King's Regulations, should be bracketted as shown in Army Order 201 of 1912

706 Postal Arrangements—It is notified for information that all correspondence for the 24th Battalion, Somerset Light Infantry should be addressed —

C/o of the Presidency Postmaster, Calcutta

707 Books — The following amendment to Musketry Schools Regulations, India, has received the sanction of the Government of India 707
20th Dec.
1915.

Paragraph 31 *added* as 2nd clause —

"The Commandants of the schools at Pashmarhi, Changla Gali, and Satara may visit the headquarters of divisions or independent brigades, from time to time, at the direction of the Commandant, Central School, for the purpose of discussing questions connected with musketry with the General Staff of the formations."

708 St. John Ambulance Association — The competitions notified in India Army Order No 536 of 1915 will not take place

709 Forms — The following forms have been introduced —

ertion

Army Form O-1545, (Modified for India), Certificate that a soldier was insured for the purposes of National Health Insurance up to the date of discharge (or demobilisation)

Army Form O-1547, (Modified for India), Post card in lieu of Army Insurance Card.

The above forms will be supplied "as required"

One copy of the form concerned will be required in each case

The following form has been cancelled —

India Army Form O-1537, Equipment ledger B L & inch Gun Batteries.

709
20th Dec.
1915.

The following corrections are made to India Army Form
Z-2001 —

Pages 18 and 19. Insert —

O 1844	G	Certificate that a soldier was insured for the purposes of National Health Insurance up to the date of:— Death or desertion
O 1845	G	Certificate that a soldier was insured for the purposes of National Health Insurance up to the date of:— Discharge (or demobilisation)
O 1847	G	Lost Card in lieu of Army Insurance Certificate

In the Remarks column against each of the above insert
"As required"

Pages 100 and 101 Delete all entries against O-1337

J. M. WALTER, Major-General,
Adjutant General in India

INDIA ARMY ORDER**BY****HIS EXCELLENCY THE COMMANDER-IN CHIEF
IN INDIA***Sema, the 25th December 1915*

The following gracious message from His Imperial Majesty the King-Emperor is published for the information of the Army in India —

BUCKINGHAM PALACE,*23rd December 1915.*

Another Christmas finds all the resources of the Empire still engaged in war and I desire to convey, on my own behalf and on behalf of the Queen, a heartfelt Christmas greeting and our good wishes for the New Year to all who, on sea and land, are upholding the honour of the British name.

In the officers and men of my Navy, on which the security of the Empire depends, I repose in common with all my subjects, a trust that is absolute.

On the officers and men of my Armies, whether now in France, in the East or in other fields, I rely with an equal faith of confidence that their devotion, their valour and their self-sacrificing will, under God's guidance lead to victory and an honourable peace.

There are many of their comrades now, alas, in hospital and to these I have also I desire, with the Queen, to express our deep gratitude and our earnest prayers for their recovery.

Officers and men of the Navy and of the Army, another year is drawing to a close, as it began, in toil, bloodshed and suffering, but I rejoice to know that the goal to which you are striving draws nearer into sight.

May God bless you and all your undertakings.

2. Instructions have been issued for the publication of this message, on this date (the 25th) in all orders throughout the Army in India.

J. M. WALTER, *Major-General,*

Adjutant-General in India.

SPECIAL.

INDIA ARMY ORDER

BY

HIS EXCELLENCY THE COMMANDER-IN-CHIEF
IN INDIA.

Army Headquarters, Simla, the 27th December 1915.

Correspondence.—With reference to India Army Order No. 592 of 1915, it is notified for information that correspondence on the following additional subjects will be addressed to the Adjutant-General in India, *Delhi*, during the remainder of the winter months :—

Peace Establishments of British Units and Establishments of Staff Offices.

Questions concerning the service of British soldiers.

Engineers—Organization.

Engineers—Mobilization.

Drafts and re-inforcements for Signal Units, and for Units of Sappers and Miners in the field.

J. M. WALTER, *Major-General,*
Adjutant-General in India.

712 116th Mahrattas.—(The Commander-in-Chief in India is pleased to make the following temporary appointment:—
 27th Dec 1915. Major A. F. Stewart, appointed Supply and Transport Officer, 5th Class, with effect from the 1st December 1915
 114th Mahrattas. Dated 19th November 1915

712. Appointments.—The Commander-in-Chief in India is pleased to make the following temporary appointment:—

Lieutenant I. Hurst, Indian Army Reserve of Officers (attached to the Supply and Transport Corps), to be Supply and Transport Officer, 5th Class, with effect from the 1st December 1915

713. Military Works Services.—The undermentioned officers on promotion from the ranks have been posted to the Military Works Services—

2nd Lieutenant G. C. Farmer, R.E.

2nd Lieutenant H. G. Holmes, R.E.

2nd Lieutenant J. Parselle, R.E.

2nd Lieutenant A. P. Battman, R.E.

2nd Lieutenant A. F. Pearson, R.E.

2nd Lieutenant T. W. Abbott, R.E.

2nd Lieutenant J. Heenan, R.E.

2nd Lieutenant G. Brown, R.E.

714. Corps of Sappers and Miners.—The undermentioned officers on promotion from the ranks have been posted to Sappers and Miners, as shown against their names—

2nd Lieutenant H. J. Wogan, R.E., 1st Sappers and Miners.

2nd Lieutenant W. J. Lyall, R.E., 1st Sappers and Miners.

2nd Lieutenant A. L. Stevens, R.E., 2nd Sappers and Miners.

715 Rewards —The following amendments are made to the annexure to India Army Order No 630 of 1915 —

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27th Dec
1915

Against 'Supply and Transport Corps' for "Staff Sergeant E F R Downes," read "Staff Sergeant E F F Downes"

Against '2nd Battalion Bombay, Baroda and Central India Railway Volunteer Rifles' for 'Squadron Sergeant Major Sydney Grundy, 2nd Battalion, Leicestershire Regiment,' read "Colour Sergeant Instructor Sydney Grundy," 2nd Battalion, Leicestershire Regiment

716 Correspondence —It is notified for information that, with the approval of the Government of India the spelling of the name 'Goonna', in the 5th (Mhow) Divisional Area has been changed to "Guna." This latter spelling should accordingly be followed in future in all official correspondence

717 Organization Divisional Signal Company—War Establishments —It is notified for information that the Government of India have sanctioned a revised War Establishment for Divisional Signal Companies

Government of India
Army Department letter No
73955 (C G S) dated 20th
October 1915

2 The Establishment is shown in detail in the annexure to this order

718 Drill and Instruction—War Training of Territorial Infantry in India —It is notified for information that the standard for war training of Territorial Infantry units in India, introduced by India Army Order 670 dated 14th December 1914, will be continued for the current year

2 Battalions will be inspected under the orders of general officers commanding responsible for training, in accordance with the conditions defined in paragraph 4 of the above quoted India Army Order, and reports rendered as therein directed

719

27th Dec.
1915

OCTOBER 1915.

2. This establishment is shown in detail in the annexure to this order.

720 British Army Reservists.—It is notified for information and guidance that British Army reservists are not permitted to re-engage at present. They may continue serving for the duration of the war under the provisions of Army Order No 252 of 1915; the matter of their being permitted to re-engage will be considered when the war is over.

721 Books.—It is notified for general information that the War Office Priced Vocabulary of Stores used in His Majesty's Service, 1915, Provisional Issue, (War Office Army Order No 113 of 1915), will be taken into use in India from the date of receipt.

India Army Order No. 325 of 1913 will then be considered cancelled.

722. Rewards.—Army Order No. 383, dated 14 October 1915, is re-published for information and guidance.

Restoration of forfeited Distinguished Conduct and War Medals of Re-enlisted Men.—1 The Army Council have decided that, in the case of men who have re-enlisted since 6th August 1914, or may re-enlist prior to the cessation of hostilities for service during the present emergency, distinguished conduct or war medals forfeited prior to such re-enlistment may be restored, provided that on re-enlistment the men in question declare truthfully the particulars of their former service, and provided also that since re-enlistment they have not again rendered themselves liable to forfeiture.

2 In the case of men re enlisted without declaring their former service, medals will only be restored on the recommendation of the General Officer Commanding-in-Chief

27th Dec
1915

3. Medals restored under 1 or 2 will be re-issued after the conclusion of hostilities—

- (a) To men whose forfeited medals were recovered, free of charge
- (b) To men whose forfeited medals were not recovered, and are not in the possession of the soldier, on payment at the rate laid down in Article 1241, Pay Warrant In such cases, a statutory declaration as to the circumstances under which the medal was lost will be required from the soldier

4 In the case of soldiers who have been killed or have died from wounds or from disease contracted during the

all cases

5 Such restoration will be noted in the man's documents

6 Men whose medals have been noted for restoration under this Army Order will be entitled to wear the ribands.

7. The above conditions as to restoration of medals will not affect the regulations regarding restitution of service.

In applying the terms of the above order to India the subsidiary instructions given below will be followed—

- (i) The authority to sanction the restoration of medals referred to in paragraph 2 above will be the General Officer Commanding the Division, Divisional Area or Independent Brigade
- (ii) With respect to paragraph 3 (b). Should the war medal to be restored have been manufactured and issued in India the rates charged will be those laid down in Army Regulations, India, Volume I, paragraph 648.

723

27th Dec
1915

723. **Army Orders**—Attention is directed to Army Order No IX, dated the 18th October 1915, National Insurance Act, 1911-15, Maternity Benefit payable Abroad

Steps are being taken to revise Army Form O-1834 (Modified for India), and meanwhile the amendments ordered by paragraph 2 of the Army Order [especially paragraph 2 (d)] should be carried out in manuscript

The necessary amendments to the Provisional Regulations for the application of the National Insurance Act to British Soldiers serving in India will be made in due course

724 **Passages—Regulations**—With reference to India Army Order No 323 of 1914, regarding the grant of second class fares for journeys by rail to civilian subordinates in receipt of pay ranging between Rs 50 and Rs 100 per mensem, it is notified for information that the expression "Head of department" therein used, means the officer who controls the travelling allowance of the subordinate concerned

725. **Army Orders**—Attention is directed to present number of Army Order No 323 of 1914, regarding the grant of second class fares for journeys by rail to civilian subordinates in receipt of pay ranging between Rs 50 and Rs 100 per mensem, it is notified for information that the expression "Head of department" therein used, means the officer who controls the travelling allowance of the subordinate concerned

- (a) The Commandant, Central School of Musketry, is empowered, subject to the decision of the Chief of the General Staff, in consultation with the Adjutant General in India, to select, retain, or return to regimental duty at any time, any non-commissioned officer instructor

- (b) A non-commissioned officer should not necessarily be selected for the post of instructor unless it is

723

27th Dec
1915

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725. **A.**—Owing to present and future actions will be observed, of the rules contained in Musketry Schools Regulations, India, paragraphs 27 and 30, in so far as they relate to the selection, retention, and return to duty of the temporary staff (other than British officers) of the schools of musketry in India—

- (a) The Commandant, Central School of Musketry, is to be consulted by the Chief of the Staff, with the Adjutant, or return to regimental duty at any time, any non-commissioned officer instructor
- (b) A non-commissioned officer should not necessarily be recalled on his unit being mobilized, unless it is leaving the country

ANNEXURE TO INDIA ARMY ORDER No 717 OF 1915

A DIVISIONAL SIGNAL COMPANY

War establishment.

DETAILS	PERSONNEL												ANIMALS		ATTACHED TRANSPORT		REMARKS	
	FIGHTING MEN												Horses	M/c & Transport	Or finance Mules	Pack Mule		Personnel
	British						Indian											
	Officers	Staff sergeants and servants	Rank and file	Total	Officers	Rank and file	Total	Public	Private									
Headquarters	1	2	1	4	1	2	3	0	0	4	3		41	15				
Divisional section	1	1	20	22	1	3	2	66	4	2	12		20	18				
3 Brigade sections	8	3	33	39		5	61	84	12	0	18		43	24				
Total	5	6	54	65	2	8	131	161	22	11	28	3	115	57				
Add for winter	...	...		...	...	...		...			...		1	...	
Add for tents	...	...	...	...	...	...	...	...	...	...	...		23	7	

COMPOSITION IN DETAIL
(i) Personnel and animals

PERSONNEL										ANIMALS	REMARKS
YOUNG MEN					FOR OWNERS						
LOCAL		INDIAN			EUROPEAN		OTHERS				
Officer	Sub-officer	Rank and file	Private	Company	Headquarter	Rank and file	Private	Company	Headquarter		
HEADQUARTERS											
Commandant (Colonel)											(a) Linemith
Indian Officer (4 below)											Placemith and Armourer
Company Sergeant Major											Corporal
Transport Officer											Saddler
Chief Clerk											Hotel & B. S. S.
Pay Master											Total
Storekeeper & Nakli											
Artillery Officer											(i) 2 arm talks who will be dis-
Pay & Div. Officer											in 1 let of circumstance
Officer in Charge Transport											require
Attendant											(c) Will be sent at the depot if
Detachment of Cavalry											the Company who are
Total	1	2	1	4	11	6	3	4	3	3	made at there

PER-OVNEL.

REMARKS

DETAIL

No. 2, 3 or 4 Section

Rebels

Mounted & gnallers

3 Light cable detail units

Visual & gnalling detail units

Supporting force

Repet drivers

Passage road

Spurs (S)

Public Followers

Total No. 2, 3 or 4 Section

FIGHTING MEN

FOLLOWERS

Infantry

Artillery

Staff and other

Total

Officers

Non-commissioned

Rank and file

Total

Public

Private

Horses

Ponies

Mules Transport

Ordnance mules

(f) 5 per cent to replace immediate casualties

(g) 3 Cable lines picking up party

(h) Cooks

Bn att

Sweeper

Total

NOTE.—So long as the present peace establishment remains unchanged companies will take the field as near the above strength as possible

(11) Transport.
A.—Company Transport

	HEADQUARTERS		NO 1 SECTION		NO 2 3 OR 4 SECTION		TOTAL COMPANY		REMARKS
	Ordnance mules	Drivers	Ordnance mules	Drivers	Ordnance mules	Drivers	Ordnance mules	Drivers	
Detail									
Technical equipment "	"	9	22	23*	6	6	40	43	*Includes one Haw slider

B—Attached Transport

	HEADQUARTERS		NO 1 SECTION		NO 2 3 OR 4 SECTION		TOTAL COMPANY		REMARKS
	Pack mules	Personnel	Pack mules	Personnel	Pack mules	Personnel	Pack mules	Personnel	
Detailed									
1st Line									
Technical equipment	12	4	17	14	6	5	47	33	†Includes Telegraph Telephone and visual equipment and field kits etc. carried in 1st line loads
Packhals "	"		1		1		4		
Medical equipment	1	1					1	1	
Stretchers "	1	1	"		"		1	1	
Total 1st line	14	6	18	14	7	5	53	35	

Detail	HEADQUARTERS		NO 1 SECTION		NO 2, 3, OR 4 SECTION		TOTAL COMPANY		REMARKS
	Pack mules	Personnel	Pack mules	Personnel	Pack mules	Personnel	Pack mules	Personnel	
2nd LINE									
Technical equipment	19	3	2	4	1	3	24	23	
Cooking pots and ration	5		3		2		14		
Field kits			6		8		15		
Other baggage stores and supplies	3				2		9		
Total 2nd line	27	9	11	6	8	3	62	23	
Total 1st and 2nd line	41	15	22	18	15	8	115	57	
All for winter			1				1		
Add for tents	4	2	7	2	4		23	7	

J. M. WALTER, Major-General,

Adjutant-General in India

ANNEXURE TO INDIA ARMY ORDER NO 719 OF 1915
War Establishment of Wireless Signal Squadron.

Detail.	PERSONNEL										HORSES			REMARKS.
	Officers	OTHER BATTAL BLANKS			INDIAN BLANKS				FOLLOWERS		Ending	Dragage	Pack	
		Warrant Officers, Staff Sergeants and Sergeants	Rank and file.	Total	Officers.	Non Commissioned Officers.	Privates (the more)	Total	Public	Private				
<i>Headquarters</i>	1													
Squadron Commander	1													
Squadron Sergeant Major	1	10	1											
Staff Sergeant Instrument Repairer,	1	3	3	1										
Clerks (a) "	1	1	1	1										
Operators "	1	4	4											
Jemadar "	1			1										
Artificers "	1													
Shoemakers "	1													
Drivers "	1	1	1											
Public Followers	1	4	5	1										
Total	1	4	5	9	1	12	5	18	2	2	25	2	4	2

[illegible]

INDEX
TO
INDIA ARMY ORDERS

BY
HIS EXCELLENCY
THE COMMANDER-IN-CHIEF IN INDIA.
1915.

INDEX TO INDIA ARMY ORDERS,
1915.

ACCOMMODATION—BRITISH.

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O'Connor, 2nd Capt. H. L.	1st G. R.
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O'Donoghue, Capt. C. N.	25th Punjab
O'Donoghue, Major H. C.	114th Mahrattas
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O'Donoghue, 2nd-Lieut. J. R.	I.A.R.O.
O'Donoghue, Capt. A. L.	R.A.M.C.
O'Donoghue, Capt. A. E.	124th Infantry
O'Donoghue, Major A. F.	114th Mahrattas
O'Donoghue, Major B. S.	2nd Infantry
O'Donoghue, Capt. P. S.	26th Punjab
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